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THESIS

DEVELOPING MODALITIES OF COOPERATION
BETWEEN NATO AND THE EUROPEAN UNION

by

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**DEVELOPING MODALITIES OF COOPERATION
BETWEEN NATO AND THE EUROPEAN UNION**

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ABSTRACT

In December 1998 France and the United Kingdom called for the European Union (EU) to develop “the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so.” This was the beginning of the EU’s European Security and Defense Policy (ESDP), because this goal was endorsed by the EU as a whole at Cologne in June 1999. The EU’s ESDP immediately ignited controversy in relations between the EU and NATO. However, it was soon discovered that the development of the ESDP could not be easily accomplished without recourse to NATO assets and expertise. The EU has accordingly established various mechanisms for consultation facilitating the development of the ESDP not as an entirely independent policy, but rather one pursued in cooperation with NATO. Furthermore, in its current form the underlying principles of the ESDP have not been driven primarily by the need for independent defense capabilities, which seem remote at the present time as far as the most demanding contingencies are concerned, but rather by the need to be able to act when and if the United States and NATO decide to step aside. The success of the ESDP may well be influenced by the progress in cooperation between the EU and NATO, in view of their overlapping but distinctive memberships and purposes.

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LIST OF ABBREVIATIONS

CBRN	Chemical, Biological, Radiological and Nuclear
CCC	Capabilities Commitment Conference
CFSP	Common Foreign and Security Policy
CIC	Capabilities Improvement Conference
CJTF	Combined Joint Task Force
CSAR	Combat Search and Rescue
DCI	Defense Capabilities Initiative
DC	Defense Committee
DO	Director of Operations
DSACEUR	Deputy Supreme Allied Commander Europe
EAPC	Euro-Atlantic Partnership Council
ECAP	European Capabilities Action Plan
ECSC	European Coal and Steel Community
EEC	European Economic Community
ESDI	European Security and Defense Identity
ESDP	European Security and Defense Policy
EU	European Union
EUFOR	EU Force
EUISS	European Union Institute for Security Studies
EUMC	Military Committee
EUMM	EU Monitoring Mission
EUMS	Military Staff
EUPM	European Union Police Mission
Euratom	European Atomic Energy Agency
EUSC	European Union Satellite Center
FYROM	former Yugoslav Republic of Macedonia
HFC	Headline Force Catalogue
HHC	Helsinki Headline Catalogue
HHG	Helsinki Headline Goal

HPC	Headline Progress Catalogue
HQ	Headquarter
HTF	Headline Task Force
HTF Plus	Headline Task Force with participation of NATO experts
IFOR	Implementation Force
IPTF	International Police Task Force
ISAF	International Security Assistance Force
MC	Military Committee
NAC	North Atlantic Council
NACC	North Atlantic Cooperation Council
NATO	North Atlantic Treaty Organization
NBC	Nuclear, Biological and Chemical
NLA	National Liberation Army
NRF	NATO Response Force
OHQ	Operational HQ
OSCE	Organization for Security and Cooperation in Europe
PARP	Planning and Review Process
PCC	Prague Capabilities Commitment
PfP	Partnership for Peace
PGMs	Precision-Guided Munitions
PSC	Political and Security Committee
SEAD	Suppression of Enemy Air Defenses
SFOR	Stabilization Force
SG/HR	Secretary General/High Representative
SHAPE	Supreme Headquarters Allied Powers Europe
TEU	Treaty on European Union
UAV	Unmanned Air Vehicle
UNPROFOR	United Nations Protection Force
WEU	Western European Union
WMD	Weapons of Mass Destruction

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I. INTRODUCTION

A. STATEMENT OF PURPOSE

The purpose of this thesis is to analyze the development of the modalities of cooperation between the European Union (EU) and the North Atlantic Treaty Organization (NATO) since 1998. The thesis evaluates prospects for EU autonomy of action given formal arrangements and limitations calling for heavy reliance on NATO assets and capabilities. The thesis examines how NATO-EU relations have been influenced by the differences in membership as well as the policies of individual members on the roles to be played by each organization.

This topic is important since both the European Union and the North Atlantic Treaty Organization play essential roles in the framework of the Euro-Atlantic security system. Their missions and roles overlap in the realm of crisis management and peacekeeping, but NATO alone has collective defense responsibilities. The EU member states have not assumed mutual defense responsibilities analogous to Article 5 of the North Atlantic Treaty. The security functions of the EU and NATO remain separate and are prescribed by the Petersberg Tasks and Alliance Strategic Concept of 1999 respectively. It is noteworthy that, despite the EU's economic might, in pursuing the objectives of the European Security and Defense Policy (ESDP) the EU intends to depend extensively on NATO's military expertise and extensive infrastructure of command, control, communications, surveillance and common planning capabilities. The EU-NATO relationship will probably be one of the main factors determining the future of the European security system. Formal arrangements between NATO and the EU regulating the scope and modalities of their involvement in future security operations may in some circumstances contain sources of friction and conflicts of interests.

B. MAJOR QUESTIONS

The major questions investigated in this thesis include following:

1. To what extent is the EU prepared to exert the political will and spend the resources necessary to reduce its dependence on NATO assets and capabilities?
2. Which factors are the main determinants of the EU's ESDP ambitions?
3. To what extent are the policies and attitudes of NATO and EU member states likely to shape the future of NATO-EU cooperation and the ESDP?
4. How might different events (e.g. the conduct of the EU-led operations in the former Republic of Macedonia) affect the ESDP's future?

C. BACKGROUND

The profound political transformations in Central and Eastern Europe since the late 1980s have created a new environment for European security. Former adversaries of NATO, previously allied under Soviet leadership, gave up the idea of ideological expansion to the West and dismantled the Warsaw Pact. NATO rejected the idea of an ideological division of Europe.¹ These facts constituted the basis for the new NATO Strategic Concept announced in 1991. This new document acknowledged European efforts to pursue "the goal of political union, including the development of a European security identity, and the enhancement of the role of the WEU,"² that is, the Western European Union. All the NATO members understood the need for the European Allies to accept greater responsibilities. NATO endorsed "the development of a European security identity and defence role, reflected in the strengthening of the European pillar within the Alliance."³ This in fact was to be initially accomplished in a

¹ "The Alliance's Strategic Concept agreed by the Heads of State and Government participating in the meeting of the North Atlantic Council," Rome, 8 November 1991, Part I, par. 1. [<http://www.nato.int/docu/basicxt/b911108a.htm>]. Accessed 13 August 2003.

² Ibid., Part I, paragraph 2.

³ Ibid.

framework anchored in NATO, the European Security and Defense Identity (ESDI).

The Maastricht Treaty, which entered into force in November 1993, reflected the new European Union approach to the post-Cold War developments in political affairs and cooperation. The process of integration was carried forward with the creation of the European Union. The ideas of the common market (including a comparatively unrestricted flow of goods, labor, and capital) were complemented by a Common Foreign and Security Policy (CFSP), which “shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence.”⁴ Furthermore, the European Union members called upon the “hibernating” WEU to serve as “an integral part of the development of the Union, to elaborate and implement decisions and actions of the Union which have defence implications”⁵ in the framework of the newly established EU.

The reemergence of the WEU as a prospective defense component of the EU coincided with an expansion of its tasks, historically prescribed by the provisions of Article V of the Brussels Treaty, as modified in 1954, with the so-called Petersberg tasks, the latter approved in 1992. These included “humanitarian and rescue tasks; peacekeeping tasks; tasks of combat forces in crisis management, including peacemaking.”⁶

The new approach to the development of European Union military capabilities advocated at the meeting in St. Malo in December 1998 by Britain and France soon became the policy of the European Union, except for Denmark. The Cologne European Council meeting of June 1999 welcomed the Franco-British declaration, and called for the European Union to acquire “the capacity for autonomous action, backed up by credible military forces, the means to decide to

⁴ “The Treaty of Maastricht,” Article J.4. [http://www.uni-mannheim.de/users/ddz/edz/doku/vertrag/engl/m_engl.html]. Accessed 16 December 2002.

⁵ “Treaty on European Union, Declaration (no. 30) on Western European Union.” [http://europa.eu.int/abc/obj/treaties/en/entr4b.htm#Declaration_30]. Accessed 25 November 2003.

⁶ “Petersberg Declaration,” Western European Union Council of Ministers, Bonn, 19 June 1992. [<http://www.bits.de/NRANEU/docs/petersberg92.pdf>]. Accessed 25 November 2003.

use them, and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO.”⁷ The European Council meeting at Cologne encouraged further development of the concept of a ESDP.

The EU created a variety of political and military structures, including a Political and Security Committee (PSC), an EU Military Committee (EUMC), an EU Military Staff (EUMS), an EU Satellite Center (EUSC) and an EU Institute for Security Studies (EUISS). These structures are intended to provide the EU with a capacity for analysis of situations, sources of intelligence, and a capability for strategic planning. However, these structures did not suffice to allow for full autonomy of action within the wide spectrum of the Petersberg Tasks. The EU’s reliance on the assets and capabilities of NATO for the more demanding tasks seemed to be indispensable.

The June 2000 European Council meeting at Santa Maria de Feira identified four crucial areas for further development of the relations between NATO and the EU. These were security, capability goals, the modalities for EU access to NATO assets, and the definition of permanent NATO-EU consultation mechanisms. Accordingly, the Feira European Council called for creation of “ad hoc working groups” for each of these four areas with the following tasks:

- security issues, to be resolved by the preparation of a security agreement between NATO and the EU;
- capability goals, to be addressed through an information exchange and the definition of specific goals;
- modalities enabling EU access to NATO assets, to be defined through the elaboration and implementation of the Berlin and Washington (or “Berlin Plus”) agreements, which are briefly described below;
- permanent consultation mechanisms – that is, parameterization of EU-NATO agreements to formalize structures and procedures for consultations.⁸

⁷ “Declaration of the European Council on Strengthening the Common European Policy on Security and Defense,” Cologne, 3-4 June 1999, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 41. [<http://www.iss-eu.org/chaillot/chai47e.pdf>]. Accessed 25 November 2003.

The initial concepts of modalities for the functioning of the ESDI were specified in the principles known as the “Berlin agreements.” These agreements, approved at Berlin in June 1996, called for provisions for the identification and release for use by the WEU of NATO capabilities, assets, and HQs and HQ elements for missions to be performed by the WEU; any necessary supplement to existing information-sharing arrangements for the conduct of WEU operations; and how consultations will be conducted with the North Atlantic Council (NAC) on the use of NATO assets and capabilities, including the NATO monitoring of the use of these assets.⁹

The development of the ESDP within the EU, viewed as a continuation of the past efforts in the framework of the WEU, required augmentation and revision of the June 1996 Berlin principles, and this was accomplished at the NATO Washington Summit in April 1999. The Washington Summit Communiqué explicitly addressed these new circumstances. The North Atlantic Treaty Organization declared its commitment to undertake all the necessary efforts to resolve issues of:

- a. Assured EU access to NATO planning capabilities able to contribute to military planning for EU-led operations;
- b. The presumption of availability to the EU of pre-identified NATO capabilities and common assets for use in EU-led operations;
- c. Identification of a range of European command options for EU-led operations, further developing the role of DSACEUR [Deputy Supreme Allied Commander Europe] in order for him to assume fully and effectively his European responsibilities;

⁸ “Conclusions of the Presidency,” Santa Maria da Feira European Council, Appendix 2 to Annex I “Presidency Report on Strengthening the Common European Security and Defence Policy,” 19-20 June 2000, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), pp. 131-132. [<http://www.iss-eu.org/chaillot/chaill47e.pdf>]. Accessed 23 November 2003.

⁹ “Final Communiqué,” Berlin Ministerial Meeting of the North Atlantic Council, 3 June 1996, par. 8. [<http://www.nato.int/docu/pr/1996/p96-063e.htm>]. Accessed 8 December 2002.

- d. The further adaptation of NATO's defence planning system to incorporate more comprehensively the availability of forces for EU-led operations.¹⁰

These new principles transformed the arrangements formerly known as the “Berlin arrangements” into new ones known as the “Berlin Plus” arrangements.

Shortly after the EU's announcement of the ESDP vision it became apparent that the only realistic approach to its realization, for a variety of reasons, was through “the development of effective mutual consultation, cooperation and transparency between the European Union and NATO.”¹¹ Soon the boundary conditions for such cooperation and the development of the ESDP followed. According to the Presidency Conclusion of the Nice European Council,

In developing this autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises, the European Union will be able to carry out the full range of Petersberg tasks as defined in the Treaty on European Union (TEU): humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peacemaking. This does not involve the establishment of a European army. The commitment of national resources by Member States to such operations will be based on their sovereign decisions. As regards the Member States concerned, NATO remains the basis of the collective defense of its members and will continue to play an important role in crisis management. The development of the ESDP will contribute to the vitality of a renewed Transatlantic link. This development will also lead to a genuine

¹⁰ “Washington Summit Communiqué,” 24 April 1996, par. 10. [<http://www.nato.int/docu/pr/1999/p99-064e.htm>]. Accessed 24 November 2003.

¹¹ “Declaration of the European Council on Strengthening the Common European Policy on Security and Defense,” Cologne, 3-4 June 1999, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 42. [<http://www.iss-eu.org/chaillot/chai47e.pdf>]. Accessed 25 November 2003.

strategic partnership between the EU and NATO in the management of crises with due regard for the two organisations' decision-making autonomy.¹²

D. METHODOLOGY

The thesis is primarily based on official NATO and European Union sources, including declarations, speeches and documents related to the development of the EU's European Security and Defense Policy. The secondary sources include scholarly analyses and media reports.

E. CHAPTER OUTLINE

The thesis is organized as follows. Chapter II examines the roles and missions of NATO and the European Union. This includes a review of NATO's 1991 and 1999 Strategic Concept and of the Petersberg Tasks in the Treaty on European Union. Chapter III provides a chronological analysis of the development of the ESDP. Chapter IV contains a detailed analysis of the development of modalities of cooperation, including security arrangements, definitions of capability goals in relation to projected missions, and arrangements enabling EU access to NATO assets and capabilities. It addresses the implementation process of the "Berlin Plus" arrangements and their potential consequences for the EU's autonomy of action, notably concerning participation of non-EU NATO members.

The final chapter offers conclusions regarding the development of the ESDP in the framework of cooperation between the EU and NATO. This chapter provides a summary of the key findings and analyzes prospects for the future involvement of both organizations in crisis management, given the limitations and merits of the arrangements between them.

¹² "Presidency Conclusion," Nice European Council, Annex VI, "Presidency Report on the European Security and Defence Policy," 7-9 December 2000, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 168. [<http://www.iss-eu.org/chaillot/chai47e.pdf>]. Accessed 25 November 2003.

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II. NATO AND THE EUROPEAN UNION: MISSIONS AND ROLES

A. NATO STRATEGIC CONCEPT OF 1991

The North Atlantic Treaty Organization was created on the basis of the Washington Treaty of 1949. The overarching purpose of the Allies was “to promote stability and well-being in the North Atlantic area” as well as “to unite their efforts for collective defence and for the preservation of peace and security.”¹³ In December of the same year the Alliance issued its first Strategic Concept, DC 6, entitled “The Strategic Concept for the Defence of the North Atlantic Treaty Area.” Its primary purpose was to establish a strategy in the face of a clearly defined threat from the Soviet Union. In 1950, 1952 and 1957 the NATO Military Committee approved documents MC 14, MC 14/1 and MC14/2 respectively. While the first two documents provided guidance for a medium term plan to develop capabilities in support of existing strategy, the third one, MC 14/2, provided the basis for a strategy of “massive retaliation.” It called for the use of any means available, including the Alliance’s nuclear weapons, to counter aggression against its member countries.¹⁴ The concept of “massive retaliation” prescribed in MC 14/2 was replaced in 1967 by MC 14/3, better known as the strategy of “flexible response.” The intent was to provide NATO with flexibility by creating in the minds of any potential aggressor uncertainty about NATO’s response to any threat to the sovereignty or independence of any member of the Alliance.¹⁵

Published in December 1967, the Harmel Report entitled “The Future Tasks of the Alliance” emphasized two primary functions of NATO. The first reflected the nature of the Alliance as prescribed in Article 5 of the Washington

¹³ “The North Atlantic Treaty,” Washington D.C., 4 April 1949.
[<http://www.nato.int/docu/basic/txt/treaty.htm>]. Accessed 13 August 2003.

¹⁴ Michael Legge, “The Making of NATO’s New Strategy,” *NATO Review* 39, no. 6, December 1991.
[<http://www.nato.int/docu/review/1991/9106-toc.htm>]. Accessed 13 August 2003.

¹⁵ *NATO Handbook*, NATO Office of Information and Press, Brussels 2001, p. 43.
[<http://www.nato.int/docu/handbook/2001/hb0203.htm>]. Accessed 13 August 2003.

Treaty. The Alliance was “to maintain adequate military strength and political solidarity to deter aggression and other forms of pressure and to defend the territory of member countries if aggression should occur.”¹⁶ The second function was “to pursue the search for progress towards a more stable relationship in which the underlying political issues can be solved.”¹⁷ This balanced approach of maintaining a credible defense posture while pursuing dialogue and détente in relations with the Soviet Union and its Warsaw Pact Allies provided the foundation of NATO policy for over twenty years. The Allies sought “a solution of the German question,” which they described as “at the heart of present tensions in Europe,” and that solution came with the end of the division of Germany and Europe in 1989-1991.¹⁸

The developments following the dramatic events in late 1989 irreversibly transformed the European strategic environment. The symbolic fall of the Berlin Wall in November 1989 triggered a sequence of events ultimately leading to the reunification of Germany (3 October 1990), the disintegration of the Warsaw Pact (1 July 1991), the collapse of communist governments in Central and Eastern Europe, and the dissolution of the Soviet Union (25 December 1991). These new circumstances called for a new approach to NATO political and military strategy that would reflect the post-Cold War security environment. This new approach was to be pursued in the framework of the newly adapted Strategic Concept of 1991.

In contrast with the past “monolithic, massive, and potentially immediate threat” from the Warsaw Pact, the 1991 Strategic Concept provided a different threat assessment, viewing it as multifaceted and multidirectional in its nature,

Risks to Allied security are less likely to result from calculated aggression against the territory of the Allies, but rather from the adverse consequences of instabilities that may arise from the serious economic, social and political

¹⁶ Ministerial Communiqué, “The Future Tasks of the Alliance (Harmel Report),” 14 December 1967, par. 5. [<http://www.nato.int/docu/comm/49-95/c671213b.htm>]. Accessed 13 August 2003.

¹⁷ Ibid.

¹⁸ Ibid.

difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in central and eastern Europe. The tensions which may result, as long as they remain limited, should not directly threaten the security and territorial integrity of members of the Alliance. They could, however, lead to crises inimical to European stability and even to armed conflicts, which could involve outside powers or spill over into NATO countries, having a direct effect on the security of the Alliance.¹⁹

The 1991 Strategic Concept also addressed other risks that could in future affect the Alliance's security interests, "including proliferation of weapons of mass destruction, disruption of the flow of vital resources and actions of terrorism and sabotage."²⁰

The new Strategic Concept spelled out four core security tasks for NATO.

- (i) To provide one of the indispensable foundations for a stable security environment in Europe, based on the growth of democratic institutions and commitment to the peaceful resolution of disputes, in which no country would be able to intimidate or coerce any European nation or to impose hegemony through the threat or use of force.
- (ii) To serve, as provided for in Article 4 of the North Atlantic Treaty, as a transatlantic forum for Allied consultations on any issues that affect their vital interests, including possible developments posing risks for members' security, and for appropriate coordination of their efforts in fields of common concern.
- (iii) To deter and defend against any threat of aggression against the territory of any NATO member state.
- (iv) To preserve the strategic balance within Europe.²¹

Although the new Strategic Concept emphasized the importance of the traditional defensive character of the Alliance, the indivisibility of its security, the

¹⁹ "The Alliance's Strategic Concept agreed by the Heads of State and Government participating in the meeting of the North Atlantic Council," Rome, 8 November 1991, par. 9. [<http://www.nato.int/docu/basicxt/b911108a.htm>]. Accessed 13 August 2003.

²⁰ Ibid., par. 12.

²¹ Ibid., par. 20.

collective nature of its defense, and the significance of the transatlantic link, it also stressed the importance of crisis management and conflict prevention:

In the new political and strategic environment in Europe, the success of the Alliance's policy of preserving peace and preventing war depends even more than in the past on the effectiveness of preventive diplomacy and successful management of crises affecting the security of its members.²²

The Alliance recognized that the character of its potential future interventions would diverge from the previously advocated posture of linear defense and would include active cooperation with other organizations such as the European Community, the Conference on Security and Cooperation in Europe, the Western European Union and the United Nations. Furthermore, the Strategic Concept acknowledged the desire of European members of the Alliance to pursue the development of a European Security and Defense Identity (ESDI) as a means of assuming greater responsibility for the defense of Europe and strengthening the Alliance's European pillar:

As the process of developing a European security identity and defence role progresses, and is reflected in the strengthening of the European pillar within the Alliance, the European members of the Alliance will assume a greater degree of the responsibility for the defence of Europe.²³

However, it should be noted that the Strategic Concept envisioned such a development exclusively within and not outside the North Atlantic Treaty Organization framework.

The Strategic Concept of 1991 was the first NATO strategy document publicly released at the time of its approval, a fact that suggests how radical were the changes in Europe in the period since late 1989. The second and even more important feature was its new approach to security issues.

At the July 1990 North Atlantic Council meeting in London the Allies expressed an intention to enhance the political component of the Alliance, and

²² Ibid., par. 31.

²³ Ibid., par. 36.

this was directly addressed in the new Strategic Concept.²⁴ It called for a “broad approach to security” taking into account not only the military character of the Alliance but also the strength and importance of the political means at its disposal. The Alliance acknowledged “that security and stability have political, economic, social, and environmental elements as well as the indispensable defence dimension. Managing the diversity of challenges facing the Alliance requires a broad approach to security.”²⁵ This in fact was a further elaboration of the dual approach of dialogue and collective defense advocated in the 1967 Harmel Report, and it was expanded in the NATO Strategic Concept of 1991 to a triad of cooperation, dialogue and collective defense.²⁶ The former concept of containment was replaced by a new concept of cooperation with former adversaries as means of preserving peace.

B. NATO STRATEGIC CONCEPT OF 1999

By the time NATO published a new Strategic Concept in 1999, it had become a significantly different institution. The Alliance had conducted embargo and no-fly zone enforcement operations (1992-1995) and a major air campaign (Operation Deliberate Force in 1995) in relation to the Bosnian conflict. Since December 1995, the Alliance had led a peacekeeping operation in Bosnia-Herzegovina, initially designated as the Implementation Force (IFOR), and replaced in December 1996 by the Stabilization Force (SFOR). Furthermore, the Alliance established closer relations with Russia and Ukraine within the framework of the NATO-Russia Founding Act on Mutual Relations, Cooperation and Security in May 1997 and the NATO-Ukraine Charter in July 1997.

In 1997, in accordance with its “open door” policy, the Alliance recognized the declared aspirations of the Czech Republic, Hungary and Poland and

²⁴ “London Declaration on a Transformed North Atlantic Alliance Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council,” London, 5-6 July 1990. [<http://www.nato.int/docu/comm/49-95/c900706a.htm>]. Accessed 13 August 2003.

²⁵ “The Alliance’s Strategic Concept agreed by the Heads of State and Government participating in the meeting of the North Atlantic Council,” Rome, 8 November 1991, par. 24. [<http://www.nato.int/docu/basic/b911108a.htm>]. Accessed 13 August 2003.

²⁶ Michael Legge, “The Making of NATO’s New Strategy,” *NATO Review* 39, no. 6, December 1991. [<http://www.nato.int/docu/review/1991/9106-toc.htm>]. Accessed 13 August 2003.

initiated the first post-Cold War round of enlargement. These three countries formally became members of the Alliance on 12 March 1999.

The period between 1991 and 1999 could be described as one of intensified and flourishing contacts between NATO members and the Central and Eastern European countries. This new spirit in relations was further promoted by the establishment of the North Atlantic Cooperation Council (NACC) in December 1991. It served as a new consultative platform, and as a framework anchoring the development of the Partnership for Peace (PfP). By June 1992 the NACC brought together all the NATO members along with all the former Warsaw Pact countries and all the former Soviet republics.²⁷ In 1997, the NACC was replaced by the Euro-Atlantic Partnership Council (EAPC), bringing together the 16 Alliance members and 30 Partners.²⁸

During the 1990s the Allies discovered that the primary role of the Alliance would not be limited to collective defense of the territorial integrity of the member states, but would have to be extended to the tasks of crisis management and partnership.

It was clear that the Alliance had to continue with many of the policies articulated in the 1991 Strategic Concept while departing from certain provisions. The 1999 Strategic Concept continued with the policies of the past by emphasizing the importance of the transatlantic link and the indivisibility of European and North American security. Once again the Alliance reaffirmed its previously declared “open door policy” to candidates “willing and able to assume the responsibilities and obligations of membership.”²⁹ However, the 1999

²⁷ *NATO Handbook*, NATO Office of Information and Press, Brussels 2001, p. 40. [<http://www.nato.int/docu/handbook/2001/index.htm>]. Accessed 13 August 2003.

²⁸ *Ibid.*, p. 41. This included Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyz Republic, Latvia, Lithuania, Luxembourg, Moldova, the Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Ukraine, the United Kingdom, the United States, Uzbekistan.

²⁹ “The Alliance's Strategic Concept Approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C.,” Washington, 23-24 April 1999, par. 39. [<http://www.nato.int/docu/pr/1999/p99-065e.htm>]. Accessed 24 November 2003.

Strategic Concept departed from the rhetoric of the 1991 Strategic Concept, which had declared that “The Alliance is purely defensive in purpose: none of its weapons will ever be used except in self-defence.”³⁰ This declaration was rendered obsolete by circumstances in which NATO had to use force while intervening in Yugoslavia (e.g., Operation Deliberate Force in 1995).

The Alliance in the 1999 Strategic Concept called for the continued development of the military capabilities required for “the full range of foreseeable circumstances,” ranging from collective defense to “conflict prevention and crisis management through non-Article 5 crisis response operations.”³¹ The 1999 Strategic Concept referred to “operations outside the Allies’ territory” without mentioning that the Alliance had a month earlier initiated an air campaign against Yugoslavia.³² Furthermore, the 1999 Strategic Concept acknowledged that the Alliance was less likely to have to defend its members against aggression or coercion but would have to use its war-fighting capabilities to contribute to the maintenance of international peace and security and to defend against instability.³³

The developments of the first post-Cold War decade disproved the frequently stated hypothesis that NATO would follow the path of all alliances in history – that is, it would disappear with the disappearance of the purpose for its creation. On the contrary, the Alliance found for itself new *raisons d’être*, which were spelled out as “fundamental security tasks” of the organization:

Security: To provide one of the indispensable foundations for a stable Euro-Atlantic security environment, based on the growth of democratic institutions and commitment to the peaceful resolution

³⁰ “The Alliance’s Strategic Concept agreed by the Heads of State and Government participating in the meeting of the North Atlantic Council,” Rome, 8 November 1991, par. 35. [<http://www.nato.int/docu/basicxt/b911108a.htm>]. Accessed 13 August 2003.

³¹ “The Alliance’s Strategic Concept Approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C.,” Washington, 23-24 April 1999, par. 29. [<http://www.nato.int/docu/pr/1999/p99-065e.htm>]. Accessed 24 November 2003.

³² Ibid., par. 59.

³³ James Gow, *Stratified Stability: NATO’s New Strategic Concept?*, Occasional Paper no. 52, East European Studies. [http://wwics.si.edu/ees/papers/1999/52gow_p.htm]. Accessed 15 September 2002.

of disputes, in which no country would be able to intimidate or coerce any other through the threat or use of force.

Consultation: To serve, as provided for in Article 4 of the Washington Treaty, as an essential transatlantic forum for Allied consultations on any issues that affect their vital interests, including possible developments posing risks for members' security, and for appropriate co-ordination of their efforts in fields of common concern.

Deterrence and Defence: To deter and defend against any threat of aggression against any NATO member state as provided for in Articles 5 and 6 of the Washington Treaty ...

Crisis Management: To stand ready, case-by-case and by consensus, in conformity with Article 7 of the Washington Treaty, to contribute to effective conflict prevention and to engage actively in crisis management, including crisis response operations.

Partnership: To promote wide-ranging partnership, cooperation, and dialogue with other countries in the Euro-Atlantic area, with the aim of increasing transparency, mutual confidence and the capacity for joint action with the Alliance.³⁴

Each of these tasks reflected the reactions of the Allies to threats and opportunities conditioned by existing circumstances. It is crucial to keep in mind that a key factor in the constructive development of the Alliance during the 1990s and beyond was the conflict in the Balkans.

The 1999 Strategic Concept institutionalized the military organizational concept used in Bosnia-Herzegovina. Combined Joint Task Forces (CJTFs) provided a platform not only for the members of the Alliance but also for Partners and other nations willing to cooperate with the organization in its future military operations.

The Strategic Concept of 1999 once again acknowledged the desire of European Allies to strengthen their security and defense contributions. This purpose was to be served in the framework of "a European security identity,"

³⁴ "The Alliance's Strategic Concept Approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C.," Washington, 23-24 April 1999, par. 10. [<http://www.nato.int/docu/pr/1999/p99-065e.htm>]. Accessed 24 November 2003.

according to the Strategic Concept of 1991.³⁵ This goal became known as European Security and Defense Identity (ESDI). Members of the Alliance declared in the 1999 Strategic Concept that

The Alliance supports the further development of the ESDI within the Alliance, including by being prepared to make available assets and capabilities for operations under the political control and strategic direction either of the WEU or as otherwise agreed.³⁶

However, it was eventually discovered that, despite the rhetoric in the Strategic Concepts of 1991 and 1999, the idea of ESDI would not yield the desired results. In fact, the EU members of the Alliance decided in 1998-1999 to pursue the development of a European Security and Defense Policy (ESDP) independent of the Alliance rather than the ESDI, leading slowly to the natural death of the transatlantic hopes associated with the development of the latter.

A new chapter in the development of the Alliance was triggered by the terrorist attacks against the United States on 11 September 2001. The Alliance for the first time in its history invoked Article 5 of the Washington Treaty, recognizing that the terrorist attack on the United States was an attack against the territorial integrity of the Alliance.

The echoes of the September 2001 attacks resonated in the decision-making at the NATO Prague Summit in November 2002. The Alliance addressed many issues, including enlargement, changes in structures, and capabilities. These changes were intended to reflect the needs and realities of the Alliance in the 21st century.

NATO member states decided to initiate another round of enlargement. They issued an invitation to seven new NATO candidate states: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia. They also decided to create a NATO Response Force (NRF) as “a technologically advanced,

³⁵ “The Alliance’s Strategic Concept agreed by the Heads of State and Government participating in the meeting of the North Atlantic Council,” Rome, 8 November 1991, par. 2. [<http://www.nato.int/docu/basic/b911108a.htm>]. Accessed 13 August 2003.

³⁶ “The Alliance’s Strategic Concept Approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C.,” Washington, 23-24 April 1999, par. 45. [<http://www.nato.int/docu/pr/1999/p99-065e.htm>]. Accessed 24 November 2003.

flexible, deployable, interoperable and sustainable force including land, sea, and air elements ready to move quickly to wherever needed.” The NRF is to be fully operational no later than October 2006.³⁷ The NATO members acknowledged that the process of the NRF’s creation should be mutually reinforcing with similar processes in the EU related to the Headline Goal development, although both organizations should respect each other’s autonomy.

The 2002 Prague Summit initiated the streamlining of the NATO command structure in order to better reflect the requirements and challenges faced by the Alliance. The Allies also approved the Prague Capabilities Commitment (PCC) and called for improvements in

chemical, biological, radiological, and nuclear defence; intelligence, surveillance, and target acquisition; air-to-ground surveillance; command, control and communications; combat effectiveness, including precision guided munitions and suppression of enemy air defences; strategic air and sea lift; air-to-air refuelling; and deployable combat support and combat service support units.³⁸

Once again the relationship between efforts undertaken in the Alliance and the EU was recognized. The Allies declared that the Alliance’s PCC process should be mutually reinforcing with the EU’s European Capabilities Action Plan (ECAP).

The terrorist attack of September 2001 helped to define the priorities of Prague Summit. The Alliance endorsed a previously agreed NATO concept for defense against terrorism. The Concept identified four military roles in defending against terrorism:

- Anti Terrorism, essentially defensive measures.
- Consequence Management, which is dealing with, and reducing, the effects of a terrorist attack once it has taken place.

³⁷ “Prague Summit Declaration Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Prague,” Prague, 21 November 2002, par. 4a. [<http://www.nato.int/docu/pr/2002/p02-127e.htm>]. Accessed 24 November 2003.

³⁸ Ibid., par. 4b.

- Counter Terrorism, primarily offensive measures.
- Military Co-operation.³⁹

Once again the Alliance recognized the limitations of its current capabilities and called for improvements in intelligence, deployability and readiness, effective engagement, force protection, and Chemical, Biological, Radiological and Nuclear (CBRN) Defense. It was recognized that in order to be effective and successful in combating terrorism the organization required the development of an overarching international strategy.

In response to the terrorist attacks of 11 September 2001 the Alliance agreed to undertake eight security measures requested by the United States in order to expand options available to deal with the threat.⁴⁰ Accordingly, the Alliance initiated Operations Active Endeavor and Eagle Assist in October 2001. Furthermore, several NATO nations actively participated in the US-led Operation Enduring Freedom in Afghanistan, which was initiated in October 2001.

In view of the interim outcome of the operation the United Nations Security Council in December 2001 sanctioned in Resolution 1386 the establishment of the International Security Assistance Force (ISAF). Its mission was “to assist the Afghan Interim Authority in the maintenance of security in Kabul and its surrounding areas.”⁴¹ Accordingly, the command of the mission was assumed by a series of NATO members. ISAF I (December 2001-June 2002) was commanded by the United Kingdom, ISAF II (June 2002-February 2003) was commanded by Turkey, and ISAF II (February-August 2003) was commanded by Germany and the Netherlands.⁴² The heavy burden of responsibilities on the

³⁹ “NATO’s Concept for Defense Against Terrorism.” [<http://www.nato.int/ims/docu/terrorism.htm>]. Accessed 25 November 2003.

⁴⁰ “Statement to the Press by NATO Secretary General, Lord Robertson, on the North Atlantic Council Decision On Implementation Of Article 5 of the Washington Treaty following the 11 September Attacks against the United States,” 4 October 2001. [<http://www.nato.int/docu/speech/2001/s011004b.htm>]. Accessed 25 November 2003.

⁴¹ “United Nation Security Council Resolution 1386,” 20 December 2001, par. 1. [<http://www.unama-afg.org/docs/sc/resolutions/sc1386.pdf>]. Accessed 25 November 2003.

⁴² Diego A. Ruiz Palmer, “The road to Kabul,” *NATO Review*, Summer 2003. [<http://www.nato.int/docu/review/2003/issue2/english/art3.htm>]. Accessed 25 November 2003.

commanding states led to calls for new arrangements. Ultimately, the command over the mission was handed over to NATO in August 2003.

The ISAF mission constitutes a historic moment in the Alliance's history. Once again, the Alliance has stepped out of boundaries of the past. It has embarked on its first-ever peacekeeping mission outside Europe. This in fact was a continuation of the pattern of expanding "out-of-area" responsibilities and commitments of the Alliance.

With its involvement in ISAF the Alliance has identified the next piece in the great puzzle of its future role. NATO as an organization continues to develop greater flexibility with the capacity to intervene in small conflicts, fight terrorism and the proliferation of weapons of mass destruction, conduct peacekeeping operations, and support humanitarian missions.

C. PETERSBERG DECLARATION, TREATY ON EUROPEAN UNION AND PETERSBERG TASKS

The European Union is organized around three pillars. The first embraces the economic, social and environmental policies initially pursued under the auspices of the European Communities. The second, established when the Maastricht Treaty entered into force in 1993, reflects issues covered under the Common Foreign and Security Policy (CFSP). The third, also introduced by the Maastricht Treaty, deals with the intergovernmental cooperation of the European Union members in Justice and Home Affairs.

Originally, at the time of the creation of the European Communities (1951-1957), the predecessors of the EU, the participating nations focused on the economic dimension.⁴³ Defense issues were addressed in the framework of the 1948 Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defense, also known as the Brussels Treaty, or the North Atlantic Treaty Organization established on the basis of the 1949 Washington Treaty. The Paris Conference of 1954 amended the Brussels Treaty, invited West Germany and

⁴³ The treaty establishing the European Coal and Steel Community (ECSC) was signed on 18 April 1951, the treaty establishing the European Economic Community (EEC) on 25 March 1957, and the treaty establishing the European Atomic Energy Agency (Euratom) on 25 March 1957.

Italy to become parties to this treaty, and established the organization known as the Western European Union (WEU).⁴⁴ The WEU's founders called for close cooperation with NATO, because they recognized "the undesirability of duplicating the Military Staffs of NATO."⁴⁵ Article V of the modified Brussels Treaty expressed a strong commitment to the defense of its signatories against any armed attack in Europe:

If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the party so attacked all the military and other aid and assistance in their power.⁴⁶

However, the WEU throughout the period of the Cold War assumed a secondary role and remained in the background of NATO, the key security organization providing protection for Western Europe and North America. The revival of the organization came about with the 1984 WEU Council of Ministers meeting in Rome. The WEU Foreign and Defense Ministers declared that

a better utilisation of W.E.U. would not only contribute to the security of western Europe but also to an improvement in the

⁴⁴ The original signatories of the 1948 Brussels Treaty included France, the United Kingdom, and the Benelux countries (Belgium, the Netherlands, and Luxembourg). The WEU was created in 1954 on the basis of the Brussels Treaty joined by Italy and West Germany. In 1988, Portugal and Spain signed protocols of accession, which entered into force in 1990. Greece was invited to join the organization in 1992, and completed the process of accession in March 1995. In 1992, Iceland, Norway, and Turkey (all NATO members but not members of the European Community) became Associate Members of the WEU with the status effective upon Greece's admittance into the organization. Denmark and Ireland, although invited as European Community members to become WEU members, decided to become WEU Observers. Denmark, because of its NATO membership, was also eligible for the Associate Member status. However, it preferred to be an Observer instead. After a round of the European Union enlargement in 1995, Austria, Finland, and Sweden also became WEU Observers. In the framework established by the WEU in June 1992, a Forum of Consultation institutionalized dialogue and cooperation with nine countries: Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, and Slovakia. In May 1994, all members of the forum acquired the status of Associate Partners of the WEU and the Forum ceased its operations. In June 1996, an Associate Partner of the WEU status was also acquired by Slovenia. At present, all full members of the WEU are also members of the EU and NATO. Since the decisions taken by the EU in 1999 and 2000, most WEU activities have been transferred to the EU. Based on David Yost, *NATO Transformed. The Alliance's New Roles in International Security* (Washington D.C.: United States Institute of Peace Press, 2001), pp. 403-404.

⁴⁵ "The Modified Brussels Treaty," Brussels, 17 March 1948, Article IV, as amended in 1954. [<http://www.yale.edu/lawweb/avalon/intdip/westeu/we003.htm>]. Accessed 25 November 2003.

⁴⁶ "Treaty of Economic, Social, and Cultural Collaboration and Collective Self-defense," Brussels, 17 March 1948, Article V. [<http://www.yale.edu/lawweb/avalon/intdip/westeu/we003.htm>]. Accessed 16 December 2002.

common defence of all the countries of the Atlantic Alliance and to greater solidarity among its members.⁴⁷

This in fact was a call for the development of the European pillar of the North Atlantic Treaty Organization.

At the 1987 Ministerial meeting at the Hague the WEU adopted a "Platform on European Security Interests." All the member states of the organization expressed their "commitment to build a European union." They emphasized that "the construction of an integrated Europe will remain incomplete as long as it does not include security and defence." Furthermore, since the security of the Alliance was viewed as indivisible, the WEU member states expressed their intention to "make a stronger contribution to the Alliance" by strengthening its "European pillar."⁴⁸

The developments following the collapse of the communist governments in Eastern Europe in 1989 and the dissolution of the Warsaw Pact in 1991 ended the confrontation between the ideologically opposed West and East, and this constituted the basis for new security arrangements in Europe. The 1991 NATO Strategic Concept recognized the ambitions of the European Community countries regarding their future political union, the development of their own security identity, and the enhanced role of the WEU:

The fact that the countries of the European Community are working towards the goal of political union, including the development of a European security identity, and the enhancement of the role of the WEU are important factors for European security. The strengthening of the security dimension in the process of European integration, and the enhancement of the role and responsibilities of European members of the Alliance are positive and mutually reinforcing. The development of a European security identity and defence role, reflected in the strengthening of the European pillar within the Alliance, will not only serve the interests of the European

⁴⁷ "Rome Declaration," Council of Ministers, Rome, 24 October 1984, par. 4. [<http://www.weu.int/documents/841024en.pdf>]. Accessed 25 November 2003.

⁴⁸ "Platform on European Security Interests," The Hague, 27 October 1987. [<http://www.weu.int/documents/871027en.pdf>]. Accessed 25 November 2003.

states but also reinforce the integrity and effectiveness of the Alliance as a whole.⁴⁹

In the 1991 Declaration on “The Role of the Western European Union and Its Relations with the European Union and with the Atlantic Alliance” the member states of the WEU acknowledged the necessity to develop “a genuine European security and defence identity and a greater European responsibility on defence matters.”⁵⁰ Furthermore, they declared that the WEU was intended to “be developed as the defence component of the European Union and as the means to strengthen the European pillar of the Atlantic Alliance.”⁵¹ The Declaration called for the “necessary transparency and complementarity between the emerging European security and defence identity and the Alliance.”⁵²

Aware of the different membership composition of the EU and NATO, the WEU included in the Declaration an invitation to other NATO and EU states seeking close association with the WEU:

States which are members of the European Union are invited to accede to WEU on conditions to be agreed in accordance with Article XI of the modified Brussels Treaty, or to become observers if they so wish. Simultaneously, other European Member States of NATO are invited to become associate members of WEU in a way which will give them the possibility to participate fully in the activities of WEU.⁵³

The wording of the 1991 WEU Declaration was included in the Maastricht Treaty, which entered in force in November 1993. In creating the European

⁴⁹ “The Alliance’s Strategic Concept agreed by the Heads of State and Government participating in the meeting of the North Atlantic Council,” Rome, 8 November 1991, par. 2. [<http://www.nato.int/docu/basicxt/b911108a.htm>]. Accessed 13 August 2003.

⁵⁰ “Declaration of Belgium, Germany, Spain, France, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom of Great Britain and Northern Ireland, which are members of the Western European Union and also members of the European Union on The Role Of The Western European Union And Its Relations With The European Union And With The Atlantic Alliance,” Maastricht, 10 December 1991, Art. 1. [<http://www.weu.int/documents/911210en.pdf>]. Accessed 25 November 2003.

⁵¹ Ibid., Art. 2.

⁵² Ibid., Art. 4.

⁵³ “Declaration of Belgium, Germany, Spain, France, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom of Great Britain and Northern Ireland, which are members of the Western European Union,” Maastricht, 10 December 1991, p. 5. [<http://www.weu.int/documents/911210en.pdf>]. Accessed 25 November 2003.

Union and developing its second pillar, a “Common Foreign and Security Policy,” the Maastricht Treaty called upon “the Western European Union (WEU), which is an integral part of the development of the Union, to elaborate and implement decisions and actions of the Union which have defence implications.”⁵⁴

At their June 1992 meeting in Petersberg, Germany, the Foreign and Defense Ministers of WEU member states carried further the development of their aspirations by identifying three categories of tasks suitable to the organization. In addition to the collective defense commitment prescribed by Article V of the amended Brussels Treaty, these included “humanitarian and rescue tasks; peacekeeping tasks; [and] tasks of combat forces in crisis management, including peacemaking.”⁵⁵ As a result of the Treaty of Amsterdam the tasks in question were in 1997 included in Article 17 of the Treaty on European Union (TEU), which entered into force in 1999.

The Treaty of Amsterdam called for the EU to pursue “closer institutional relations with the WEU with a view to the possibility of the integration of the WEU into the Union.”⁵⁶ Accordingly, the EU assumed the functions of the WEU with regard to the Petersberg Tasks. However, the Brussels Treaty Article V defense commitment remains in force for the parties to this treaty. Moreover, the Parliamentary Assembly of the WEU continues to function outside the framework of the EU. The defense aspects of the EU’s Common Foreign and Security Policy were henceforth to be addressed in the framework of the EU and not in the framework of its former defense arm – that is, the WEU.

On 4 December 1998 Britain and France announced their intention to encourage the EU to pursue the development of “the capacity for autonomous action, backed up by credible military forces, the means to decide to use them,

⁵⁴ “The Maastricht Treaty: Treaty on European Union,” Maastricht, 7 February 1992, Art. J.4. [<http://www.eurotreaties.com/maastrichteu.pdf>]. Accessed 25 November 2003.

⁵⁵ “Petersberg Declaration,” Western European Union Council of Ministers, Bonn, 19 June 1992. [<http://www.bits.de/NRANEU/docs/petersberg92.pdf>]. Accessed 25 November 2003.

⁵⁶ “The Treaty of Amsterdam,” Amsterdam, 2 October 1997, Art. J.7., par. 1. [<http://www.eurotreaties.com/amsterdamtreaty.pdf>]. Accessed 25 November 2003.

and a readiness to do so.”⁵⁷ However, the authors of the Franco-British Joint Declaration emphasized that any military action undertaken by the EU would be possible only in cases “where the Alliance as a whole is not engaged.”⁵⁸ Moreover, it was recognized that European Union would require ‘appropriate structures and a capacity for analysis of situations, sources of intelligence, and a capability for relevant strategic planning, without unnecessary duplication, taking account of the existing assets of the WEU and the evolution of its relations with the EU.”⁵⁹ Finally, the British and the French emphasized the need for “strengthened armed forces ... supported by a strong and competitive European defence industry and technology.”⁶⁰ All these tasks were to be accomplished while avoiding unnecessary duplication with existing assets.

The Cologne European Council meeting in June 1999 welcomed the Franco-British declaration, and encouraged further development of the European Security and Defense Policy (ESDP) anchored in the second pillar of the EU.

The capability limitations of the European Allies in the EU and of the other members of the EU were addressed in the decisions at the Helsinki European Council in 1999. The Presidency Conclusions established a Headline Goal in order to create “readily deployable military capabilities and collective capability goals in the fields of command and control, intelligence and strategic

⁵⁷ “Franco-British Summit: Joint Declaration on European Defense,” St. Malo, France, 4 December 1998, par. 2, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 8. [<http://www.iss-eu.org/chaillot/chaill47e.pdf>]. Accessed 25 November 2003.

⁵⁸ “Franco-British Summit: Joint Declaration on European Defense,” St. Malo, France, 4 December 1998, par. 3, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 8. [<http://www.iss-eu.org/chaillot/chaill47e.pdf>]. Accessed 25 November 2003.

⁵⁹ “Franco-British Summit: Joint Declaration on European Defense,” St. Malo, France, 4 December 1998, par. 3, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), pp. 8-9. [<http://www.iss-eu.org/chaillot/chaill47e.pdf>]. Accessed 25 November 2003.

⁶⁰ *Ibid.*, par. 4.

transport.”⁶¹ The Council expressed its determination to provide the EU with the capabilities necessary to undertake the full range of missions prescribed by the Petersberg Tasks. The Council emphasized the importance of the creation of the Military Staff, the Military Committee, and the Political and Security Committee. Furthermore, the European Union under the terms of the Presidency Conclusions committed itself to solving the controversial issue of participation by non-EU European NATO countries in EU-led operations.

The Headline Goal was intended to answer the question of how to accomplish the full spectrum of prospective missions prescribed by the Petersberg Tasks. It envisioned the creation of an EU ability to deploy forces of up to 50,000-60,000 persons within 60 days for a period of at least one year by the end of 2003.⁶² “These forces should be militarily self-sustaining with the necessary command, control and intelligence capabilities, logistics, other combat support services and additionally, as appropriate, air and naval elements.”⁶³

At a Capabilities Commitment Conference (CCC) held in Brussels in November 2000 the European Union members declared the hypothetical availability of a total of 100,000 soldiers, 80 ships, and 300 to 350 combat aircraft. One year later, at a Capabilities Improvement Conference (CIC) in Brussels the EU accepted the European Capabilities Action Plan (ECAP) outlining 40 specific shortfalls that have to be addressed by EU members. It can be concluded that several of the problems will take years to resolve. This is especially true with regard to strategic airlift, aerial refueling, satellite communications, and Suppression of Enemy Air Defenses (SEAD).

The ambiguous and broad nature of the Petersberg Tasks means that detailed elaboration is required to comprehend the scope of the EU commitment in crisis management. The document presented at the informal meeting of the

⁶¹ “Presidency Conclusions,” Helsinki European Council, Helsinki, 10-11 December 1999, Annex 1 to Annex IV, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 84. [<http://www.iss-eu.org/chaillot/chai47e.pdf>]. Accessed 25 November 2003.

⁶² Ibid., p. 83.

⁶³ Ibid., p. 85.

EU Ministers of Defense in Ecoen in September 2000 contemplated “four basic hypotheses, or scenarios, which allow us to cover all the Petersberg missions we had set ourselves: separation by force of the belligerent parties; prevention of conflicts; humanitarian aid; evacuation of nationals.”⁶⁴

Although the EU is unlikely to present explicit details of the envisioned military scenarios in its future operations, one can base an educated guess on the experiences of the past involving the use of force in crisis management. The “lower end” Petersberg Tasks operations, “humanitarian and rescue tasks,” represent more easily accomplished missions since they usually require fewer combat forces, involve lower risks, and ultimately have a higher probability of success. In contrast, the tasks at the “upper end” of the spectrum, “tasks of combat forces in crisis management, including peacemaking,” are much more difficult to accomplish, require more robust forces, and involve higher risks of further escalation.

Past experiences suggest that “lower spectrum” operations would probably be comparable to the tasks undertaken during *Operation Provide Comfort* in northern Iraq in 1991 and the evacuation of Europeans from Zaire by Belgian and French troops in 1991. The “middle ground” of the spectrum would be illustrated by operations such as the United Nations Protection Force (UNPROFOR) in 1992-1995. Finally, the “upper level” of the spectrum would be most accurately illustrated by the efforts against Iraq during *Operation Desert Storm* in 1991.⁶⁵

Martin Ortega provides a more quantified parameterization of the geographical limits for the Petersberg Tasks. In general terms these missions could include:

⁶⁴ “Presidency Conclusions,” Informal meeting of EU defence ministers, Ecoen, 22 September 2000, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 143. [<http://www.iss-eu.org/chaillot/chaill47e.pdf>]. Accessed 25 November 2003.

⁶⁵ Martin Ortega, *Military intervention and the European Union*, Chaillot Paper 45, (Paris: Institute for Security Studies, Western European Union, March 2001), pp. 105-106. [<http://www.iss-eu.org/chaillot/chaill45e.pdf>]. Accessed 16 December 2002.

- the evacuation of about 1,000 personnel from a crisis area located approximately 10,000 km from Brussels,
- a conflict-prevention operation in border-related disputes between two states,
- the separation of warring factions in a territory 4,000 km from Brussels.⁶⁶

This broad range of possible operations on behalf of the EU should take into consideration the following factors. Two of the EU members (i.e., France and the United Kingdom) have historically played a global role and therefore it is unlikely that either of them will be willing to limit the scope of EU interests to Europe. A number of the EU members are linked historically to remote regions because of their past colonial activities. Finally, the EU as “a global economic power” has interests far beyond the geographical limits of the European continent.⁶⁷ These factors result in an extension of the geographical limits of EU interests to the Caucasus and Transcaucasus, the Middle East, and Africa. Furthermore, the future geographical limits of the European Union’s interests in the development of its Common Foreign and Security Policy (CFSP) are likely to be shaped by ongoing international developments, including the enlargement of the EU and NATO.⁶⁸

D. BEYOND THE PETERSBERG TASKS

Although the current scope of the European Union’s ESDP is determined by the missions prescribed by the Petersberg Tasks, some of the EU member states have made significant efforts to provide new dimensions to the EU’s responsibilities. These efforts reflect current threats and not those of the 1990s, when the ESDP was initially conceived.

⁶⁶ Ibid., pp. 107-108.

⁶⁷ Jolyon Howorth, *European Integration and defence: the ultimate challenge?*, Chaillot Paper 43, (Paris: Institute for Security Studies, Western European Union, November 2000), p. 76. [<http://www.iss-eu.org/chaillot/chaill43e.pdf>]. Accessed 25 November 2003.

⁶⁸ Ibid., p. 77.

The terrorist attacks in September 2001 indicated that threats might arise not only from conflicts between states or ethnic groups but also from international terrorist organizations, which might use weapons of mass destruction (WMD).⁶⁹ These factors were reflected in the paper presented by the EU's High Representative for the CFSP, Javier Solana, at the Thessaloniki summit in June 2003. The document, viewed by many as the draft of the EU "security strategy," recognized terrorism, the proliferation of weapons of mass destruction, and failed states and organized crime as new threats faced by the EU.⁷⁰ Their significance becomes more vivid given prospects of the organization's enlargement, which will bring it "closer to troubled areas" along the EU's newly established eastern border (i.e., Belarus, Moldova, and Ukraine).⁷¹

Furthermore, the characteristics of the new threats indicate that "the first line of defence will often be abroad."⁷² Moreover, "In contrast to the massive visible threat in the Cold War, none of the new threats is purely military; nor can any be tackled by purely military means."⁷³ The European Union, unlike some other organizations, seems to be well equipped to respond effectively to such situations. However, the new threats call for new solutions. In order to be more proficient and responsive to crises the EU, according to Solana, should "develop a strategic culture that fosters early, rapid, and when necessary, robust intervention."⁷⁴ This new trend has been reflected in the Le Touquet Franco-British summit declaration of February 2003. Both states called for the further improvement of "European capabilities in planning and deploying forces at short

⁶⁹ "Final report of Working Group VIII – Defence," The European Convention, Brussels, 16 December 2002, par. 45. [<http://register.consilium.eu.int/pdf/en/02/cv00/00461en2.pdf>]. Accessed 16 December 2002.

⁷⁰ Javier Solana, "A Secure Europe in a Better World," Thessaloniki European Council, 20 June 2003, pp. 4-6. [<http://ue.eu.int/pressdata/EN/reports/76255.pdf>]. Accessed 25 November 2003.

⁷¹ Ibid., pp. 7-8.

⁷² Ibid., p. 11.

⁷³ Ibid., p. 12.

⁷⁴ Ibid., p. 13.

notice, including initial deployment of land, sea and air forces within 5-10 days,” and not (as it was assumed under the Headline Goal) within 60 days.⁷⁵

The High Representative for the CFSP acknowledged in his paper at the Thessaloniki European Council meeting that the increase in capabilities on behalf of the organization should be also viewed in terms of a wider spectrum of missions. These should extend beyond the Petersberg Tasks. This statement reflected the findings of one of the working groups established to examine existing and future arrangements concerning the CFSP and the ESDP, to be included in the draft European Union constitution.

Working Group VIII in its final report called for an updating of the Petersberg Tasks to include:

- conflict prevention (early warning, confidence and security building measures, etc.);
- joint disarmament operations (weapons destruction and arms control programmes);
- military advice and assistance ("*defence outreach*": cooperation with the military forces of a third country or of a regional/subregional organisation on developing democratically accountable armed forces, by the exchange of good practices, e.g. through training measures);
- post-conflict stabilisation;
- support for a third country's authorities, at their request, in combating terrorism.⁷⁶

The meticulously developed ESDP has moved from its design stage into action. The EU deployed policemen in Bosnia and Herzegovina in January 2003 (i.e., the EU Police Mission), undertook a military mission in the former Yugoslav Republic of Macedonia (FYROM) in March 2003 (i.e., Operation Concordia),

⁷⁵ “Franco-British Summit Declaration On Strengthening European Cooperation In Security And Defence,” Le Touquet, 4 February 2003. [\[http://www.france.diplomatie.fr/actu/bulletin.gb.asp?liste=20030205.gb.html\]](http://www.france.diplomatie.fr/actu/bulletin.gb.asp?liste=20030205.gb.html). Accessed 25 November 2003.

⁷⁶ “Final report of Working Group VIII – Defence,” The European Convention, Brussels, 16 December 2002, par. 51. [\[http://register.consilium.eu.int/pdf/en/02/cv00/00461en2.pdf\]](http://register.consilium.eu.int/pdf/en/02/cv00/00461en2.pdf). Accessed 16 December 2002.

conducted a military operation in Congo between June and September 2003 (i.e., Operation Artemis), and expressed a willingness to replace the NATO presence in Bosnia and Herzegovina in 2004.⁷⁷ This series of expanding commitments on behalf of the EU indicates that the organization has effectively pursued its aim “to integrate ... [the EU] military forces into a global crisis management strategy.”⁷⁸

Moreover, these developments indicate that the ESDP is no longer restricted by geography. Thus, it is able and willing to conduct military operations outside its territory both in Europe (e.g., in the Balkans) and beyond (e.g., Congo). Furthermore, the organization’s missions in some cases may be conducted autonomously without recourse to the resources of other organizations (e.g., Operation Artemis).

The EU took a significant step in the development of the ESDP by reaching “out-of-area.” The future will show if it is capable of going beyond the scope of the Petersberg Tasks.

⁷⁷ Daniel Keohane, “EU Defence policy: Beyond the Balkans, beyond peacekeeping?,” Welpolitik.net, 1 July 2003. [http://www.cer.org.uk/articles/keohane_welpolitik_jul03.html]. Accessed 25 November 2003.

⁷⁸ Javier Solana, “Why Europe Needs Military Option,” *Financial Times*, 29 September 2000: p. 25.

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III. MILESTONES OF THE EUROPEAN UNION'S EUROPEAN SECURITY AND DEFENSE POLICY

A. PURPOSE OF THE CHAPTER

The purpose of this chapter is to review and analyze the main developments of the military aspects in the European Union's European Security and Defense Policy (ESDP). It begins with the ESDP's "birth certificate" at St. Malo in December 1998, marking a departure in British policy. Prior to late 1998, the United Kingdom opposed giving the EU a military security role and emphasized the WEU as a means of maintaining ESDI within NATO. The EU European Councils beginning in December 1998 advanced the development of the ESDP by establishing its institutional framework (e.g., at the June 1999 Cologne European Council) and the military arrangements for the organization (e.g., at the December 1999 Helsinki European Council). Cooperation with NATO has become a leading theme in the development of the ESDP. This in fact was a consequence of the overlapping but distinct memberships of these organizations as well as of the initial military impotence of the European Union. The necessity to rely on NATO assets and capabilities under various conditions called for immediate arrangements for cooperation between the two organizations.

The following survey illustrates the evolving nature of the ESDP both internally, as an independent entity, but also externally as a NATO partner. The progress in the development of the European Union's ESDP is best illustrated by the missions it has managed to undertake either independently or with NATO assistance. In fact, NATO assistance was possible once all the obstacles to cooperation were overcome, and the long-pending Berlin Plus arrangements were finally concluded.

B. ST. MALO, 4 DECEMBER 1998

On 4 December 1998 France and the United Kingdom decided to step outside of the ESDI framework, which placed European military cooperation within NATO and the WEU, and announced their desire to pursue the

development of the European Union's "capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so."⁷⁹ However, the authors of the Joint Declaration on European Security emphasized that any military action undertaken by the European Union would be possible only in cases "where the Alliance as a whole is not engaged."⁸⁰ Moreover, it was recognized that the European Union would require a capability to conduct strategic planning, sources of intelligence and analytical capacity, and above all strengthened armed forces "supported by a strong and competitive European defence industry and technology."⁸¹ All these tasks were to be accomplished while avoiding any unnecessary duplication of already existing assets.

C. VIENNA EUROPEAN COUNCIL, 11-12 DECEMBER 1998

The December 1998 Vienna European Council welcomed the Franco-British initiative presented at St. Malo. The EU members also agreed that the appointment of "a personality with a strong political profile" to the post of the Secretary-General of the Council and High Representative (SG/HR) for CFSP was a necessity and should be accomplished as soon as possible. Furthermore, the EU Council welcomed efforts undertaken to establish a Policy Planning and Early Warning Unit within the General Secretariat.⁸²

The post in question has been filled by a former NATO Secretary General, Javier Solana Madariaga, since 18 October 1999. He was also appointed to the post of the WEU Secretary General on 25 November 1999.

⁷⁹ "Franco-British Summit: Joint Declaration on European Defense," St. Malo, France, 4 December 1998, par. 2, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 8. [<http://www.iss-eu.org/chaillot/chai47e.pdf>]. Accessed 25 November 2003.

⁸⁰ Ibid., par. 3.

⁸¹ Ibid., par. 4.

⁸² "Presidency Conclusion," European Council Meeting, Vienna, 11-12 December 1998 in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 13. [<http://www.iss-eu.org/chaillot/chai47e.pdf>]. Accessed 25 November 2003.

D. NATO WASHINGTON SUMMIT, 24 APRIL 1999

At the April 1999 Washington Summit the NATO Allies acknowledged the Franco-British initiative at St. Malo, although their attention was still primarily focused on the development of the European Security and Defense Identity (ESDI) “within” and not outside the Alliance, with “the fullest possible involvement of non-EU European Allies in EU-led crisis response operations.”⁸³ Furthermore, the Washington Summit Communiqué noted, among other issues, the readiness of NATO to address in the future issues of “assured EU access to NATO planning capabilities” and the “presumption of availability” of its capabilities and assets as was agreed in Berlin in 1996 with respect to the WEU.⁸⁴

E. COLOGNE EUROPEAN COUNCIL, 3-4 JUNE 1999

The new approach to the development of European military security capabilities advocated by two members of the European Union soon became the policy of the entire Union, except for Denmark. The Cologne European Council meeting of June 1999 welcomed the Franco-British declaration, and encouraged further development of the concept of European Security and Defense Policy (ESDP). The issue of the development of the ESDI was not even mentioned in the final declarations concerning European Union policy on security and defense.

The decision to construct the ESDP had immediate implications at two levels: institutional and military. The institutional aspects of ESDP development were addressed by the Cologne European Council in June 1999, while the military arrangements were addressed by the Helsinki Council in December 1999.

The Cologne European Council Declaration directly reflected St. Malo rhetoric in calling for “the capacity for autonomous action, backed up by credible

⁸³ “Washington Summit Communiqué,” North Atlantic Council, 24 April 1999, par. 9d. [<http://www.nato.int/docu/pr/1999/p99-064e.htm>]. Accessed 24 November 2003.

⁸⁴ Ibid., par. 10.

military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO.”⁸⁵

In the area of EU decision making the Cologne Presidency Conclusions called for the creation of a Political and Security Committee (PSC), an EU Military Committee (EUMC), an EU Military Staff (EUMS), an EU Satellite Center (EUSC), and an EU Institute for Security Studies (EUISS) in order to provide the EU with a capacity for analysis of situations, sources of intelligence, but most of all a capability for strategic planning.

Furthermore, the European Council called for the “development of effective mutual consultation, cooperation and transparency between the European Union and NATO.”⁸⁶ It also recognized, as the NATO Allies had noted at the 1999 Washington Summit, the issue of the participation of the neutral, non-allied and non-EU European Allies in EU-led operations.

The Cologne European Council meeting for the first time contemplated two alternative methods of conducting EU-led operations: with the use of NATO assets and capabilities, or with exclusive reliance on the EU’s own resources.⁸⁷ At the same time, as at St. Malo and Washington, it was emphasized that in the development of the ESDP unnecessary duplication has to be avoided.

F. HELSINKI EUROPEAN COUNCIL, 10-11 DECEMBER 1999

Frequently addressed capability limitations of the European NATO members were addressed by the decisions made during the Helsinki European Council meeting in 1999. The Heads of State and Government of the European Union decided to establish and implement the so-called Helsinki Headline Goal (HHG) in order to create “readily deployable military capabilities and collective capability goals in the fields of command and control, intelligence and strategic

⁸⁵ “European Council Declaration on Strengthening the Common European Policy on Security and Defense,” Cologne, 3-4 June 1999, par. 1, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 41. [<http://www.iss-eu.org/chaillot/chai47e.pdf>]. Accessed 25 November 2003.

⁸⁶ Ibid., par. 3, p. 42.

⁸⁷ Ibid., p. 44.

transport.”⁸⁸ The Council expressed its determination to provide the EU with appropriate capabilities, so it would be able to undertake the full range of missions prescribed by the Petersberg Tasks. It has envisioned the creation of an EU ability to deploy forces of up to 50,000-60,000 persons within 60 days for a period of at least one year by 2003.⁸⁹ These forces should be militarily self-sustaining with the necessary command, control and intelligence capabilities and logistics, combat service support and additionally air and naval elements.

Furthermore, the Helsinki European Council called for the creation of new bodies in order to provide both political control and strategic direction to EU-led operations. These bodies were to include a standing Political and Security Committee (PSC), the EU Military Committee (EUMC), and the EU Military Staff (EUMS). They were all granted an initial interim status on 1 March 2000. This status became permanent on 22 January 2001, 9 April 2001, and 11 June 2001 respectively.⁹⁰

The European Union, under the terms of the Presidency Conclusions, committed itself to solving the controversial issue of participation of non-EU countries in EU-led operations, and also to address the issue of modalities for “full consultation, cooperation and transparency” between NATO and the EU, which would account for the needs of all EU member states.⁹¹

According to the provisions of the Presidency Conclusions, “NATO remains the foundation of the collective defence of its members, and will continue

88 “Presidency Conclusion,” Helsinki European Council, Annex 1 to Annex IV “Presidency Progress Report to the Helsinki European Council on Strengthening the Common European Policy on Security and Defence,” 10-11 December 1999, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 84. [<http://www.iss-eu.org/chaillot/chaill47e.pdf>]. Accessed 25 November 2003.

89 “Presidency Conclusion,” Helsinki European Council, 10-11 December 1999, par. 28, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 82. [<http://www.iss-eu.org/chaillot/chaill47e.pdf>]. Accessed 25 November 2003.

90 “Presidency Report to the Goteburg European Council on ESDP,” Goteburg European Council, 15-16 June 2001, Annex, par. 20 in Maartje Rutten, ed., *From Nice to Laeken: European defence: core documents*, Chaillot Paper 51 (Paris: Institute for Security Studies, European Union, April 2002), p. 35. [<http://www.iss-eu.org/chaillot/chaill51e.pdf>]. Accessed 25 November 2003.

⁹¹ Ibid.

to have an important role in crisis management.”⁹² The European Union’s military capabilities were to be developed on the basis of “existing national, bi-national and multinational capabilities” which could be called upon for operations conducted without recourse to NATO assets and capabilities. Still, a close link between the EU and NATO was to be preserved given the fact that European Union member states were to apply existing NATO defense planning procedures as well as the Planning and Review Process (PARP) of the Partnership for Peace (PfP). It was also decided at Helsinki that relations between NATO and the EU at this stage of ESDP development were to be maintained through contacts between the EU Secretary General/High Representative and the Secretary General of NATO.

The Helsinki European Council recognized two scenarios in which consultation and cooperation with non-EU European NATO members could take place. In operations requiring the use of NATO assets and capabilities, the non-EU European NATO members would be able to choose whether to participate in EU-led operations. However, in EU-led operations conducted without NATO assets they would have to be invited in order to contribute to the EU effort. Similarly, the participation of EU accession candidates in EU-led operations would require a formal invitation from the European Union, once the decision to conduct such an operation had been made. The Presidency Conclusions of the Helsinki European Council also envisioned the participation of other countries involved in political dialogue with the EU (e.g., Russia and Ukraine) in EU-led operations, given an invitation to do so.

G. SANTA MARIA DA FEIRA EUROPEAN COUNCIL, 19-20 JUNE 2000

By the time of the European Council summit at Santa Maria da Feira in 2000, the European Union had identified principles and modalities in order to allow the non-EU European NATO members as well as EU accession candidates to contribute to EU military crisis management efforts. It established a framework for various consultation forums according to the formulas “EU + 6” and “EU +

⁹² Ibid., Annex IV “Presidency Reports to the Helsinki European Council on ‘Strengthening the Common European Policy on Security and Defence’ and on ‘Non-military crisis management of the European Union.’”

15”⁹³ under various conditions (pre-operational phase, operational phase, interim period, permanent phase).⁹⁴

The Feira European Council meeting resulted in the identification of four crucial areas for further development of the relations between NATO and the EU. These were security, capability goals, the modalities for EU access to NATO assets, and the definition of permanent consultation mechanisms. Accordingly, the Feira European Council called for the creation of “ad hoc working groups” for each area of interest, as stated above, with the following tasks:

- security issues: preparation of a security agreement between NATO and the EU;
- capability goals: information exchange, elaboration on capability goals;
- modalities enabling EU access to NATO assets: elaboration and implementation of Washington and Berlin (“Berlin Plus”) agreements;
- permanent consultation mechanisms: parameterization of EU-NATO agreements to formalize structures and procedures for consultation in times of crisis and non-crisis.

Moreover, the European Union decided to convene in November 2000 a Capability Commitment Conference in order to pledge national assets to a force catalogue envisioned at the Helsinki European Council meeting.

However, the EU still maintained its commitment to the principle of decision-making autonomy within its own institutional framework.

H. NICE EUROPEAN COUNCIL, 7-9 DECEMBER 2000

The Nice European Council acknowledged the results of a Capabilities Commitment Conference (CCC) held in Brussels in November 2000. The conference determined that the European Union members had declared a total of

⁹³ “EU + 6” corresponds to the formula of EU members plus the 6 non-EU European NATO members (that is, the Czech Republic, Hungary, Iceland, Norway, Poland, Turkey), while “EU + 15” corresponds to the formula of EU members plus non-EU NATO members and candidates for accession to the EU (that is, Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia, Turkey).

⁹⁴ “Presidency Conclusions,” par. 7, Appendix 1 to Annex I, Santa Maria da Feira European Council, 19-20 June 2000, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 128. [<http://www.iss-eu.org/chaillot/cha47e.pdf>]. Accessed 25 November 2003.

100,000 soldiers for the Union's "force catalogue." This included 80 naval ships and 300-350 fighter aircraft, and a variety of other units and capabilities. This commitment, according to the EU members,

demonstrated the Europeans' capability to satisfy fully, by their contributions in numerical terms, the needs identified to carry out the different types of crisis-management missions within the headline goal agreed in Helsinki.⁹⁵

The Nice European Council spelled out the "composition, competences and operation" of the EU's new permanent political and military structures (i.e., the Political and Security Committee, the EU Military Committee, and the EU Military Staff), and emphasized the build-up of resources required for the immediate operation of the Military Staff. Furthermore, it elaborated on the arrangements for involvement of non-EU European nations in possible EU-led operations and declared the EU project open in this regard, although with full respect "for the principle of the European Union's decision-making autonomy."⁹⁶

As a follow up to the Feira European Council decisions the EU indicated that further effort was made in establishing "a permanent and effective relationship" between the EU and NATO based on the principles of transparency and dialogue.

Furthermore, the language of the Nice European Council reiterated previously declared boundary conditions for the development of the ESDP:

In developing this autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises, the European Union will be able to carry out the full range of Petersberg tasks as defined in the Treaty on European Union: humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peacemaking. This does not involve the establishment of a European army. The commitment of national resources by Member States to such

⁹⁵ "Presidency Report on European Security and Defence Policy," Nice European Council, 7-9 December 2000, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 169. [<http://www.iss-eu.org/chaillot/chaill47e.pdf>]. Accessed 25 November 2003.

⁹⁶ Ibid., p. 172.

operations will be based on their sovereign decisions. As regards the Member States concerned, NATO remains the basis of the collective defence of its members and will continue to play an important role in crisis management. The development of the ESDP will contribute to the vitality of a renewed Transatlantic link. This development will also lead to a genuine strategic partnership between the EU and NATO in the management of crises with due regard for the two organisations' decision-making autonomy.⁹⁷

The Nice European Council decided to include the appropriate functions of the Western European Union (WEU) in the field of the Petersberg Tasks. Nevertheless, the modified Brussels Treaty's Article V defense commitment was to be safeguarded by the Parliamentary Assembly of the WEU outside the framework of the ESDP.

Furthermore, the European Council called for the creation of the European Satellite Center (for the analysis of satellite imagery) and a European Union Institute for Security Studies (academic research and analysis in relevant areas) as agencies in support of the development of the CFSP and the ESDP. Both of these organizations had long existed under WEU auspices, so this represented a transfer of authority and responsibility from the WEU to the EU. This in fact was accomplished on 20 July 2001 when the European Union Institute for Security Studies (EUISS)⁹⁸ and the European Union Satellite Center (EUSC) were formally established by the European Union Council Joint Action.⁹⁹ The EUISS and EUSC became operational on 1 January 2002.

⁹⁷ Ibid., p. 168.

⁹⁸ "The establishment of a European Union Satellite Centre," and "The Establishment of a European Institute for Security Studies, Union European Union Joint Action," Brussels, 20 July 2001 in Maartje Rutten, ed., *From Nice to Laeken: European defence: core documents*, Chaillot Paper 51 (Paris: Institute for Security Studies, European Union, April 2002), p. 70. [<http://www.iss-eu.org/chaillot/chaill51e.pdf>]. Accessed 25 November 2003.

⁹⁹ Ibid., p. 76.

I. LAEKEN EUROPEAN COUNCIL, 14-15 DECEMBER 2001

At the Laeken European Council meeting the EU for the first time announced that it was “capable of conducting some crisis-management operations.”¹⁰⁰

Furthermore, the EU reiterated its intent to finalize previously addressed arrangements with NATO, including guaranteed access to its operational planning and the presumption of availability of pre-identified assets and capabilities of NATO.

The Presidency Report acknowledged the results of a Capabilities Improvement Conference (CIC) held in Brussels on 19 November 2001. At the conference the EU accepted the European Capabilities Action Plan (ECAP) outlining 40 specific shortfalls that have to be addressed individually by participating members. It can be concluded that a majority of the addressed problems will take years to solve. This is especially true concerning strategic airlift, aerial refueling, satellite communication and Suppression of Enemy Air Defenses (SEAD).

The terrorist attacks against the United States in September 2001 constituted a significant factor influencing decisions made before and at the Laeken European Council. An emphasis was placed on dealing with international terrorism. Although the Council acknowledged that “the fight against terrorism is more than ever a major policy objective of the European Union,”¹⁰¹ Spain’s suggestion at an informal meeting of EU defence ministers in

¹⁰⁰ “Presidency Conclusions,” Laeken European Council, 14-15 December 2001, par. 6, in Maartje Rutten, ed., *From Nice to Laeken: European defence: core documents*, Chaillot Paper 51 (Paris: Institute for Security Studies, European Union, April 2002), p. 110. [<http://www.iss-eu.org/chaillot/cha51e.pdf>]. Accessed 25 November 2003.

¹⁰¹ “Presidency Report on European union Action Following the Attacks in the United States,” Laeken European Council, 14-15 December 2001 in Maartje Rutten, ed., *From Nice to Laeken: European defence: core documents*, Chaillot Paper 51 (Paris: Institute for Security Studies, European Union, April 2002), p. 186. [<http://www.iss-eu.org/chaillot/cha51e.pdf>]. Accessed 25 November 2003.

Brussels on 12 October 2001 that of the combating of terrorism be included in the ESDP mission did not find sufficient support among the EU members.¹⁰²

J. COPENHAGEN EUROPEAN COUNCIL, 12-13 DECEMBER 2002

The Copenhagen European Council declared that the “Berlin Plus” arrangements are to apply only in respect to those EU Member States which are at the same time either NATO members or Partners in NATO’s “Partnership for Peace” program, and that have in addition finalized their bilateral security agreements with NATO. Accordingly, it was decided that both Malta and Cyprus, once members of the EU, would not take part in future EU-led operations with recourse to NATO assets, although this would not affect their respective rights to representation in matters not related to such operations.¹⁰³ Furthermore, in respect to access to EU classified information it was also decided that the rights of Cyprus and Malta would not be affected unless the information in question contained or referred to NATO classified materials. In such cases both states would be excluded from access.¹⁰⁴

K. THE EU-NATO DECLARATION ON ESDP, 16 DECEMBER 2002

The EU-NATO Declaration adopted by both organizations has opened new opportunities for closer political and military cooperation. It has finalized an ongoing effort by both organizations to assure “access to NATO’s planning capabilities” for EU-led operations.¹⁰⁵ It provided a formal basis for cooperation in conflict prevention and crisis management.

¹⁰² Informal Meeting of Defence Ministers, Brussels, 12 October 2001 in Maartje Rutten, ed., *From Nice to Laeken: European defence: core documents*, Chaillot Paper 51 (Paris: Institute for Security Studies, European Union, April 2002), p. 156. [<http://www.iss-eu.org/chaillot/chai51e.pdf>]. Accessed 25 November 2003.

¹⁰³ “Presidency Conclusions,” Copenhagen European Council, 12-13 December 2002, in Jean-Yves Haine, ed., *From Laeken to Copenhagen: European defence: core documents*, Chaillot Paper 57 (Paris: Institute for Security Studies, European Union, February 2003), p. 171. [<http://www.iss-eu.org/chaillot/chai57e.pdf>]. Accessed 25 November 2003.

¹⁰⁴ Ibid.

¹⁰⁵ “EU-NATO Declaration on ESDP,” NATO Press Release, 16 December 2002. [<http://www.nato.int/docu/pr/2002/p02-142e.htm>]. Accessed 16 December 2002.

L. THE EU POLICE MISSION IN BOSNIA AND HERZEGOVINA, 1 JANUARY 2003

On 11 March 2002 the Council of the European Union decided to establish the European Union Police Mission (EUPM) in Bosnia and Herzegovina. However, the mission itself became operational on 1 January 2003, when the EUPM took over the responsibilities of the United Nations' International Police Task Force (IPTF). The significance of the mission resides in the fact that it initiates a series of "firsts" in EU undertakings in international security. In fact the EUPM is the first-ever civilian crisis management operation conducted under the ESDP.¹⁰⁶

M. NATO-EU SECURITY OF INFORMATION AGREEMENT, 14 MARCH 2003

Although the EU and NATO managed to establish an agreement on classified information, referred to as Interim Security Arrangements, as early as 26 July 2000, these were only of an interim character.¹⁰⁷ Three years later the two organizations managed to surmount all the obstacles to cooperation in this field and signed the document establishing a permanent arrangement. On 14 March 2003 in Athens, NATO and the EU signed a NATO-EU Security Information Agreement enabling "full and effective consultations and cooperation between NATO and the EU on the basis of classified information and related materiel exchanged between both parties."¹⁰⁸

¹⁰⁶ The EUPM consists of the representatives from the following EU member states: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands Portugal, Spain, Sweden, and the United Kingdom. The following states are participating in the mission alongside of the EU: Bulgaria, Canada, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Poland, Romania, Russia, Slovakia, Slovenia, Switzerland, Turkey, and Ukraine. According to Antonio Missiroli, "Building a European Security and Defence Policy: What are the Priorities?," Paris, EU Institute for Security Studies, 12 June 2003. [http://www.cicerofoundation.org/lectures/missiroli_jun03.html]. Accessed 25 November 2003.

¹⁰⁷ "Interim Security Arrangements," concluded upon letter exchange between NATO Secretary General George Robertson and the Council of the EU Secretary General/High representative for the CFSP Javier Solana on 26 July 2000. [http://faculty.maxwell.syr.edu/asroberts/foi/library/eu_nato_interim.pdf]. Accessed 25 November 2003.

¹⁰⁸ "NATO - EU security of information agreement signed today," NATO Press Release, 14 March 2003. [<http://www.nato.int/docu/pr/2003/p03-022e.htm>]. Accessed 25 November 2003.

N. THE EU MILITARY OPERATION IN FORMER YUGOSLAV REPUBLIC OF MACEDONIA (FYROM) - OPERATION CONCORDIA, 31 MARCH 2003

Following the NATO operation Allied Harmony, which ended on 31 March 2003, the EU took over the responsibilities for the area and established a new mission named Operation Concordia in the former Yugoslav Republic of Macedonia. This EU-led operation involves participation by fourteen non-EU countries deployed alongside the forces of thirteen of the fifteen EU member states.¹⁰⁹

Operation Concordia is the first-ever military operation conducted under EU leadership. It is also the first one conducted under the provisions of the finalized “Berlin Plus” arrangements allowing for EU access to NATO assets and capabilities. It constitutes the first test case of the strategic partnership between the EU and NATO in crisis management.

O. THE EU MILITARY OPERATION IN CONGO – OPERATION ARTEMIS, 12 JUNE- 1 SEPTEMBER 2003

Following the UN Security Council’s approval of Resolution 1484 the EU launched Operation Artemis on 12 June 2003 in the Democratic Republic of Congo. Once again, it was the first in a series of “first” EU military operations. This time it was the first EU military operation conducted outside Europe, and unlike Operation Concordia without recourse to NATO assets.¹¹⁰

¹⁰⁹ The fourteen non-EU members are: Bulgaria, Canada, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Poland, Romania, Slovakia, Slovenia, and Turkey. The thirteen EU member states involved in operation are: Austria, Belgium, Finland, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom.

¹¹⁰ The operation involved participation by the following states: Belgium, Brazil, Canada, France, Germany, South Africa, Sweden, and the United Kingdom. According to Antonio Missiroli, “Building a European Security and Defence Policy: What are the Priorities?,” Paris, EU Institute for Security Studies, 12 June 2003. [http://www.cicerofoundation.org/lectures/missiroli_jun03.html]. Accessed 25 November 2003.

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IV. MODALITIES OF COOPERATION BETWEEN NATO AND THE EU

A. FROM BERLIN TO WASHINGTON AND “BERLIN PLUS”

At the 1996 Ministerial Meeting of the North Atlantic Council (NAC) in Berlin it was decided that the ESDI, envisioned as an integral part of the internal adaptation of NATO, should be developed within the organization.¹¹¹ The initial concepts of the modalities for the functioning of the ESDI were specified in the principles known as the “Berlin agreements.” These agreements, approved at Berlin in June 1996, called for

provisions for the identification and release for use by the WEU of NATO capabilities, assets, and HQs and HQ elements for missions to be performed by the WEU; any necessary supplement to existing information-sharing arrangements for the conduct of WEU operations; and how consultations will be conducted with the NAC on the use of NATO assets and capabilities, including the NATO monitoring of the use of these assets.¹¹²

The NATO assets and capabilities available for use in the WEU-led crisis management operations were to comply with the principle “separable but not separate.”¹¹³ Furthermore, the ESDI was to take advantage of the concept of the Combined Joint Task Force (CJTF), which would prevent unnecessary duplication of military command arrangements already in place within the NATO framework, and which would facilitate “the participation of nations outside the Alliance.”¹¹⁴ This mechanism would also allow for double-hatting of the NATO military personnel acting on behalf of the WEU in the preparation, support, command and conduct of WEU-led operations.¹¹⁵

¹¹¹ “Final Communiqué,” Berlin Ministerial Meeting of the North Atlantic Council, 3 June 1996, par. 2. [<http://www.nato.int/docu/pr/1996/p96-063e.htm>]. Accessed 8 December 2002.

¹¹² Ibid., par. 8.

¹¹³ Ibid., par. 6.

¹¹⁴ Ibid., par. 6.

¹¹⁵ Ibid., par. 7.

The rationales behind sharing the collective assets and capabilities of NATO were in fact financial, military and political. It was inefficient to bear the same costs independently by the WEU and NATO, replicate limited forces, and advance political objectives independently under conditions calling for reinforcement in cooperation between the two organizations. Furthermore, in 1996 the WEU Council of Ministers declared that “it would be valuable for WEU to become actively involved in the Alliance’s defence planning process in order to make use of this important tool for improving operational effectiveness.”¹¹⁶

With the increasing ambitions of the European Union in the field of crisis management articulated first by two of its member states (France and the United Kingdom) at their 1998 St. Malo Summit, NATO’s 1996 Berlin arrangements required modification. The augmentation and revision of the June 1996 Berlin principles was accomplished at the NATO Washington Summit in April 1999. The Washington Summit Communiqué explicitly addressed these new circumstances. The North Atlantic Treaty Organization declared its commitment to undertake all the necessary efforts to resolve issues of:

- a. Assured EU access to NATO planning capabilities able to contribute to military planning for EU-led operations;
- b. The presumption of availability to the EU of pre-identified NATO capabilities and common assets for use in EU-led operations;
- c. Identification of a range of European command options for EU-led operations, further developing the role of DSACEUR in order for him to assume fully and effectively his European responsibilities;
- d. The further adaptation of NATO's defence planning system to incorporate more comprehensively the availability of forces for EU-led operations.¹¹⁷

¹¹⁶ “Ostend Declaration,” the WUE Council of Ministers, Ostend, 19 November 1996, par. 15. [<http://www.weu.int/documents/961119en.pdf>]. Accessed 25 November 2003.

¹¹⁷ “Washington Summit Communiqué,” North Atlantic Council, 24 April 1999, par. 10. [<http://www.nato.int/docu/pr/1999/p99-064e.htm>]. Accessed 24 November 2003.

These new principles transformed the arrangements formerly known as the “Berlin arrangements” into new ones known as “Berlin Plus.”

Shortly after the EU’s announcement of the ESDP vision at the 1999 Cologne European Council, viewed by many as a continuation of the past efforts in the framework of the WEU, it became apparent that the only realistic approach to its realization, for a variety of reasons, was through “the development of effective mutual consultation, cooperation and transparency between the European Union and NATO.”¹¹⁸ However, unlike the previous “Berlin arrangements” situating the WEU and the ESDI within NATO structures, the “Berlin Plus” arrangements recognized that the EU’s ESDP would be pursued outside NATO, but in cooperation with NATO.

It became apparent from the outset that in order to make use of the “Berlin Plus” arrangements the EU and NATO had to resolve many issues which had remained unresolved since the 1996 Berlin Ministerial Meeting. Furthermore, the EU call for “autonomous action” put a new spin on the development of relations between the two organizations.

In order to make “Berlin Plus” operational the EU and NATO had to find common ground on permanent EU access to NATO planning capabilities, the roles and rights of the non-EU European NATO member states in EU-led operations, and finally EU access to NATO assets. With respect to the first and second issues, the EU and NATO had to find a balanced solution accommodating the interests of the non-EU European NATO states (i.e., the Czech Republic, Hungary, Iceland, Norway, Poland, and Turkey) and non-NATO EU states (i.e., Austria, Finland, Ireland, and Sweden), but also preventing the EU from developing capabilities without regard to Alliance interests. With respect to the third issue, the EU and NATO had to resolve the controversy over “guaranteed” versus “assured” access to NATO common assets (e.g., command and control capabilities).

¹¹⁸ “Declaration of the European Council on Strengthening the Common European Policy on Security and Defense,” Cologne, 3-4 June 1999, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 42. [<http://www.iss-eu.org/chaillot/chai47e.pdf>]. Accessed 25 November 2003.

Initially, the only way that the EU could gain access to NATO assets was with the collective approval of all NATO members. That meant that the non-EU NATO states could effectively exercise veto rights with regard to decisions about EU-led operations relying on NATO assets. However, of the six non-EU European NATO member states Turkey presented the biggest concern. In fact the Czech Republic, Hungary and Poland were expected to gain membership in the EU soon. Iceland, with no armed forces, had already limited its role in the development of the ESDP. Finally, by rejecting EU membership, Norway had assumed a position outside the ESDP.¹¹⁹

Turkey, despite its long-time aspiration for EU membership, served as an obstacle to the development and implementation of the “Berlin Plus” arrangements for several years. Turkish motivations appear to have been more complex than Ankara’s concern about the protracted dispute with one of the EU members (Greece) over Cyprus. In order to persuade Turkey to support the EU’s ESDP the October 2002 Brussels Presidency Conclusions clarified the intent of the EU with respect to its future operations and purposes. It declared that

the actions and decisions ... within the framework of EU military crisis management will respect at all times all their Treaty obligations as NATO allies. This also means that under no circumstances, nor in any crisis, will ESDP be used against an Ally, on the understanding, reciprocally, that NATO military crisis management will not undertake any action against the EU or its Member States.¹²⁰

The existence of this unusual declaration has been attributed to Turkish concerns about possible Greek influence over future EU decisions. Turkey, as a member of NATO but also as an associate member of the WEU, has historically enjoyed considerable influence in the decision-making process of both the

¹¹⁹ Joachim Krause, Andreas Wenger, Lisa Watanabe, eds., “Unraveling the European Security and Defense Policy Conundrum,” Peter Lang 2003, p. 108.

¹²⁰ “Presidency Conclusions,” Brussels European Council, 24-25 October 2002, Annex II, par. 2, in Jean-Yves Haine, ed., *From Laeken to Copenhagen: European defence: core documents*, Chaillot Paper 57 (Paris: Institute for Security Studies, European Union, February 2003), p. 136. [<http://www.iss-eu.org/chaillot/chaip57e.pdf>]. Accessed 25 November 2003.

Alliance and the WEU. The situation dramatically changed with the incorporation of certain WEU functions in the framework of the EU, of which Turkey is not a member, and the termination of “associate member” status for all non-WEU countries. Accordingly, Turkey has lost its previous level of access to the decision-making process.

Ankara’s policies directly blocked three out of four elements of the “Berlin Plus” arrangements. First, it refused to allow the EU to have “assured access” to NATO planning. Second, it was against the “presumption of availability” of NATO assets and capabilities to the EU. Finally, it did not agree to “European command options” for EU-led operations (including the role to be played by DSACEUR).¹²¹ The participation in the decision-shaping process and operational planning offered by the EU (day-to-day management of EU-led operations) did not satisfy Turkey. The Turkish Foreign Minister, Ismail Cem, stated in 1999 that:

If the EU countries want to establish their own defense organization, it's up to them. We have no objections. But if they want to use NATO's assets and capabilities, NATO members should be involved [in the decision-making] and therefore Turkey should be involved.¹²²

The stalemate in the implementation of the “Berlin Plus” arrangements became a source of frustration for some of the EU member states. These states began to contemplate further development of the ESDP independently of NATO. This frustration is well illustrated by a statement of the Belgian Prime Minister in July 2002:

The European Security and Defence Policy should now move to the implementation stage and is therefore in need of an operation. I am consequently in favour of the European Union taking over Operation Amber Fox this autumn. I do recognise the importance of a cooperation agreement between the Union and NATO.

¹²¹ Sten Rynning, “EU, NATO, and Defense Planning: Clash or Cooperation?,” September 2001. [<http://www.europaforskning.dk/forskningbas/rynning2.pdf>]. Accessed 16 December 2002.

¹²² Ismail Cem quoted in “Turkey secures last-ditch change in NATO document,” Turkish Daily News, 26 April 1999. [http://www.turkishdailynews.com/old_editions/04_26_99/for.htm]. Accessed 25 November 2003.

Nevertheless, the absence of such an agreement should not prevent the European Union from taking over a peacekeeping operation in the Former Yugoslav Republic of Macedonia. In fact, we cannot accept that an essential policy of the Union continues to be blocked by problems, which do not really concern the Union.¹²³

However, the EU and NATO managed to find solutions to the contentious issues under discussion since 1996 when the “Berlin arrangements” were first formulated. Furthermore, the solutions assuaged the fears expressed when the EU first articulated its ESDP aspirations:

The Americans believed that what happened at Berlin was the stuff of nightmares. They have subsequently realized that the EU alternative was even worse. Washington, therefore, is more than willing to negotiate on issues it refused to discuss openly in 1996, and to be more forthcoming on ensuring an effective European pillar within NATO. Moreover, having had the experience of the last few years, the Americans are highly unlikely to attempt to block the launching of European missions from within NATO for fear of undermining the European pillar once again and causing Europeans to look elsewhere for an institutional basis for their military aspirations. ESDP has at least made it clear to the Americans that Berlin was a far more desirable outcome than they thought at the time. In this sense at least, it provides an opportunity for Europe to assert itself in the defence sphere. The EU may, paradoxically, provide the key to Europeanising NATO.¹²⁴

The new arrangements between the EU and NATO have become bricks in the construction of the EU-NATO relationship. First, on 24 January 2001 the EU and NATO concluded arrangements for consultations and cooperation through an exchange of letters between the Swedish Presidency of the EU and the NATO

¹²³ Letter From H. E. Mr Guy Verhofstadt, the Prime Minister of the Kingdom of Belgium to the Rt. Hon. Tony Blair and H.E. Mr Jacques Chirac, Brussels, 18 July 2002, in Jean-Yves Haine, ed., *From Laeken to Copenhagen: European defence: core documents*, Chaillot Paper 57 (Paris: Institute for Security Studies, European Union, February 2003), p. 112. [<http://www.iss-eu.org/chaillot/chaill57e.pdf>]. Accessed 25 November 2003.

¹²⁴ Menon Anand, “Playing with Fire: the European Union’s Defence Policy,” *L’Europe de la défense: institutionnalisation, européanisation, Politique européenne* no. 8, Fall 2002, pp. 32-46. Quoted in Hajnalka Vincze, “Beyond symbolism: the EU’s first military operation seen in its context.” [http://www.weltpolitik.net/texte/policy/concordia/beyond_symbolism.pdf]. Accessed 24 November 2003.

Secretary General. Second, on 16 December 2002 the EU and NATO adopted a framework for cooperation in the form of an EU-NATO declaration on ESDP. This document outlined the political principles for EU-NATO cooperation and gave the EU assured access to NATO's planning and logistics capabilities for EU-led operations. Third, on 14 March 2003 representatives of the two organizations signed the EU-NATO Agreement on Security of Information to establish common security standards for handling classified information within both organizations.

The conclusion of the "Berlin Plus" arrangements advanced the "strategic partnership" between the EU and NATO far beyond the arrangements established in the past between the WEU and NATO:

The NATO/EU arrangements go beyond those established for the WEU in two important respects. First, because EU access to NATO operational planning is assured (i.e. continuous and guaranteed), NATO agreement is not required for any EU requests for NATO planning support; every WEU request would have required specific NAC approval. Second, there is a presumption that those NATO assets and capabilities that have been pre-identified will indeed be available to the EU. There was no such presumption under the NATO/WEU arrangements.¹²⁵

According to the Chairman of the NATO Military Committee, General Harald Kujat, "The vital Berlin Plus agreement ... provides a blueprint for practical NATO/EU cooperation without unnecessary duplication or destructive competition."¹²⁶ The effectiveness of the Berlin Plus agreement is being currently tested in the course of the EU-led Operation Concordia in FYROM.

B. INVOLVEMENT OF NON-EU NATO AND NON-NATO COUNTRIES

The involvement of the non-EU European Allies and partners in crisis management operations of the EU seems to be one of the thorniest issues in the development of the ESDP, and it was addressed as early as the Cologne

¹²⁵ Geoffrey Hoon, the UK Defense Secretary, on EU Operations during the session of the United Kingdom Parliament, House of Commons, 18 March 2003. [<http://www.parliament.the-stationery-office.co.uk/pa/cm200203/cmhansrd/cm030318/text/30318w03.htm>]. Accessed 25 November 2003.

¹²⁶ Harald Kujat, "NATO and the EU: Preserving the relationship in the field of military capabilities," Konrad Adenauer Institute Round Table, Brussels, 13 October 2003. [<http://www.nato.int/ims/2003/s031013e.htm>]. Accessed 25 November 2003.

European Council in June 1999. The EU members committed themselves “to put in place arrangements that allow non-EU European allies and partners to take part to the fullest possible extent” and so that “NATO members (...), neutral and non-allied members of the EU can participate fully and on equal footing in the EU operations.”¹²⁷

Steps to resolve this question were taken at the Feira Council meeting in June 2000. It was decided that the European Union would seek in future “a single inclusive structure in which all the 15 countries concerned (...) can enjoy the necessary dialogue, consultation and cooperation with the EU.”¹²⁸ Furthermore, the Council decided that for the interim period, until the implementation of the modalities for the permanent phase would take place, at least two meetings would be convened during each 6-months presidency in the EU+15 format. This would provide a forum for political dialogue related to CFSP. Moreover, there would be a minimum of two meetings organized in the EU+6 format during the same period. The Feira Council also called for one Ministerial level meeting in an EU+6 format and one in an EU+15 format in each six-month Presidency until the implementation of the modalities established for the permanent phase is finalized.

Once the permanent arrangements are in place, Feira envisioned two possible situations for further development of the dialogue. In the first one, the routine phase, there would be regular meetings in the EU+15 format, at least two more meetings in the EU+6 format, and additional meetings at the request of the Council or the PSC. In the second one, the operational phase, the Feira Council considered two more alternative situations. During the pre-operational phase, under conditions of a crisis, the Council envisioned intensified dialogue and

¹²⁷ “Presidency Conclusions,” Cologne European Council, 3-4 June 1999, Annex III, par. 3, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 42. <http://www.iss-eu.org/chaillot/chaill47e.pdf>. Accessed 25 November 2003.

¹²⁸ “Presidency Conclusions,” Santa Maria de Feira European Council, 19-20 June 2000, Annex I, Appendix 1, par. 5, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 128. <http://www.iss-eu.org/chaillot/chaill47e.pdf>. Accessed 25 November 2003.

consultation as a platform for the exchange of views and concerns raised by countries, especially in cases in which the EU would consider the use of NATO assets. This would involve extensive consultation in the EU+6 format. During the operational phase, the EU would follow guidelines established at the Helsinki Council meeting:

Upon a decision by the Council to launch an operation, the non-EU European NATO members will participate if they so wish, in the event of an operation requiring recourse to NATO assets and capabilities. They will, on a decision by the Council, be invited to take part in operations where the EU does not use NATO assets.

Other countries who are candidates for accession to the EU may also be invited by the Council to take part in EU-led operations once the Council has decided to launch such an operation.¹²⁹

It was also decided at Feira that once a decision to conduct an operation is made, and non-EU European NATO members and countries that are candidates for accession have confirmed their active participation in the operation, they would be granted the same rights and obligations as the participating EU Member States. Furthermore, the day-to-day operations were to be supervised by a Committee of Contributors comprising all EU Member States and other participating countries. The political control and strategic direction for the operation were to be provided by the European Council and by the Political and Security Committee. The military aspects as well as the formal arrangements for implementation of above mentioned provisions were to follow.

The Nice European Council further elaborated on agreements reached at Helsinki and Feira. The permanent arrangements for the consultations were reiterated, and the emphasis was placed on military consultations. This was to be accomplished with a minimum of two meetings at the Military Committee representative level, but also with exchanges at the military experts level in the area of capabilities, as well as information on the strategic options available in case of a prospective crisis. In crisis periods, the European Council at Nice envisioned a process of consultation held at the politico-military experts level in

¹²⁹ Ibid., p. 129.

order to disseminate information about the course of action envisaged by the EU, especially when a military operation is being examined.

It was also decided that in military operations conducted with NATO assets and capabilities, operational planning was to be conducted by the Alliance's planning bodies with non-EU European Allies involved, according to NATO procedures. In contrast, for autonomous EU operations the planning process was to be conducted at one of the European strategic level headquarters with the participation of invited non-EU European Allies and candidate countries, via liaison officers appointed to the EU Military Staff. These arrangements would provide them an opportunity to exchange information on operational planning, but also on prospective contributions to the operation in question.

The Brussels European Council of 2002 brought new developments in the area of involvement of the non-EU European Allies in EU-led operations. The peacetime arrangements agreed at Nice were to be enhanced by the consultation process involving the Presidency, Council Secretariat and respective representatives of the non-EU European Allies, but also through the circulation of relevant documents. Furthermore, the Brussels Council envisioned the appointment of permanent interlocutors with the PSC, and also with the EUMC in order to ensure day-to-day consultation in the frameworks of EU+6 and EU+15.

The Presidency Conclusions also regulated aspects of involvement in EU-led exercises. Arrangements for such undertakings were to directly mirror arrangements agreed upon in case of participation in EU-led operations, under two scenarios: with and without the use of NATO assets and capabilities.

In respect to autonomous EU-led operations the Council emphasized that non-EU European Allies were to be invited, upon a decision made by the Council, to participate. In making such a decision the Council would take into account the security concerns of non-EU European Allies, especially in operations to be conducted in the geographical vicinity of a non-EU Ally or directly affecting its national security interests.

With respect to involvement in the preparation, planning and management of an EU-led operation the European Council decided that the EU+6 and EU+15 formats of consultation would serve as a basis for dialogue from the earliest stage of crisis development. These formats would allow for discussion of the prospective military contributions of non-EU European Allies and others. Furthermore, the consultation process would allow them to provide their opinions on the development of the Concept of Operations, including the command and force structure, prior to the decision made by the Council. Once the decision on the participation of the non-EU European Allies was made, the contributors would be invited to take part in operational planning. This would be followed by the establishment of the Committee of Contributors in order to finalize the initial operational plans and military preparations for the operation.

C. NATO'S ROLE IN THE DEVELOPMENT OF EU CAPABILITIES GOALS

The Helsinki European Council Headline Goal called for the creation of "military forces of up to 50,000-60,000 persons capable of the full range of Petersberg tasks."¹³⁰ However, since the newly envisioned forces would consist mainly of existing units, in pursuing of the Headline Goal the EU would have to rely extensively on expertise and forces already committed to NATO.

At the "First Seminar of National Experts in Defence Planning" held in Brussels in May 2000 it was decided (and this decision was later approved by the General Affairs Council of the EU) that in elaborating the Headline and collective capabilities goals the EU would rely on NATO's DSACEUR and on NATO experts in order to draw on NATO's military expertise. Furthermore, in order to facilitate the development of the Headline Goal the EU called for the creation of ad hoc Working Groups on the capabilities goal involving EU and NATO representatives.¹³¹

¹³⁰ "Presidency Conclusion," Helsinki European Council, 10-11 December 1999, par. 28, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 83. [<http://www.iss-eu.org/chaillot/chaill47e.pdf>]. Accessed 25 November 2003.

¹³¹ Mark Oakes, "Common European Security and Defence Policy: A Progress Report," Research Paper 00/84, 31 October 2000, p. 28. [<http://www.parliament.uk/commons/lib/research/rp2000/rp00-084.pdf>] Accessed 23 November 2003.

In the initial phase of the development of the Headline Goal the EU faced a choice between employing already existing mechanisms within NATO (i.e., the NATO Defense Planning Process and the Planning and Review Process) or establishing a mechanism for force planning of its own. The decision made by the EU was compatible with what was proposed by William S. Cohen, then the U.S. Secretary of Defense, at the 2000 Birmingham informal NATO Defense Ministerial Meeting. Cohen suggested that EU and NATO nations “combine NATO and EU security planning in a way that will increase capability rather than merely duplicate effort.”¹³²

The initial force planning efforts under the terms of the Helsinki Headline Goal (HHG) centered on the development of the three force catalogues. The first, designated the Helsinki Headline Catalogue (HHC), reflected specific military requirements for any given operation under the terms of the Petersberg Tasks. The second, called the Headline Force Catalogue (HFC), reflected the initially declared contributions of EU members along with the contributions from partner nations. The third, designated the Headline Progress Catalogue (HPC), reflected the differences between the “demand” requirements of the HHC and the “supply” commitments included in the HFC.¹³³

The necessity for cooperation with NATO in the development of EU military capabilities was recognized from the very beginning. The June 2000 Santa Maria da Feira European Council emphasized that “The necessary transparency and dialogue between the Union and NATO will be ensured and NATO expertise will be sought on capability goal requirements.”¹³⁴ In fact this was accomplished in the course of the development of the HHC when the EU

¹³² William S. Cohen, interview during Birmingham informal NATO Defense Ministerial Meeting, 10-11 October 2000. [<http://www.useu.be/ISSUES/cohen1010.html>]. Accessed 20 November 2003.

¹³³ Sten Rynning, “EU, NATO, and Defense Planning: Clash or Cooperation?,” September 2001. [<http://www.ecsa.dk/forskningbas/rynning2.pdf>]. Accessed 16 December 2002.

¹³⁴ “Conclusions of the Presidency,” Santa Maria da Feira European Council, 19-20 June 2000, par. 8, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 120. [<http://www.iss-eu.org/chaillot/cha47e.pdf>]. Accessed 25 November 2003.

interim Military Staff relied heavily on the expertise of NATO specialists.¹³⁵ Its preliminary version was completed on 28 July 2000. The contribution of the NATO experts was later acknowledged by the French Defense Minister, Alain Richard, who stated that

We expressed our appreciation of the quality of the cooperation with the NATO experts who contributed, in the planned conditions, to the development of this catalogue. During the eight weeks of work by the EU experts, six meetings with their NATO colleagues gave rise to this fruitful exchange.¹³⁶

The next step in the development of the Headline Goal was the preparation of the HFC catalogue. This was accomplished as a result of the November 2000 Brussels Capability Commitment Conference (CCC). The conference was attended by the EU members and 15 non-EU countries which for the first time formally declared their contributions to the EU project. As a result, the EU established a pool of more than 100,000 soldiers, 80 ships, and 300 to 350 combat aircraft. The complied pledges constituted the HFC catalogue. Furthermore, in regard to the mechanism established to evaluate the progress in developing the EU military capabilities, the CCC Declaration acknowledged that

In order to avoid unnecessary duplication, it will, for the Member States concerned, rely on technical data emanating from existing NATO mechanisms such as the Defence Planning Process and the Planning and Review Process (PARP). Recourse to these sources would be had, with the support of the EU Military Staff (EUMS), via consultations between experts in a working group set up on the same model as that which operated for the drawing up of the capabilities catalogue (HTF Plus) [Headline Task Force Plus].¹³⁷

It became apparent that the EU effort under the terms of the Helsinki Headline Goal mirrored to some extent the Defense Capabilities Initiative (DCI)

¹³⁵ Thomas Skold, "EU Finalises Military Tasks: Much Left To Do," *European Security Review*, December 2000, no. 3: pp. 2-3. [<http://www.cesd.org/esr/ESRno3.pdf>]. Accessed 21 November 2003.

¹³⁶ Alain Richard quoted in Mark Oakes, "Common European Security and Defence Policy: A Progress Report," Research Paper 00/84, 31 October 2000, p. 17. [<http://www.parliament.uk/commons/lib/research/rp2000/rp00-084.pdf>] Accessed 23 November 2003.

¹³⁷ "Military Capabilities Commitment Declaration," Brussels, 20 November 2000, par. 6. [<http://ue.eu.int/pesc/military/en/CCC.htm>]. Accessed 20 November 2003.

launched at the 1999 NATO Washington Summit. According to the King's College study on the European Union Helsinki Goal, "NATO's Defence Capabilities Initiative (DCI) is about 70% relevant to the EU's HHG capabilities requirements."¹³⁸ This overlap clearly indicated a need for coherence in the development of capabilities on behalf of the two organizations.

The objectives arising from NATO's DCI and the EU's Headline Goal are mutually reinforcing. We note with satisfaction that NATO, upon request by the EU Presidency and on the basis of a Council decision, agreed to support for the duration of the Swedish EU Presidency the work of the HTF Plus through a team of experts open to national experts of those Allies who wish to participate in this work. In order to continue this important work during the next EU Presidency, NATO stands ready to provide, subject to an early Council decision, further expert advice upon request by the EU.¹³⁹

At the November 2001 Capabilities Improvement Conference (CIC) the EU Member States identified the shortcomings in the development of the Headline Goal capabilities and agreed on a plan for remedying them. To this end the participants agreed on implementation of the European Capability Action Plan (ECAP)

incorporating all the efforts, investments, developments and coordination measures executed or planned at both national and multinational level with a view to improving existing resources and gradually developing the capabilities necessary for the Union's activities.¹⁴⁰

The ECAP consisted of 19 panels identifying the shortages in development of the Headline Goal capabilities, which included:

battlefield helicopters; nuclear, biological and chemical (NBC) protection; carrier-based naval airpower; air-to-air refuelling; combat search and rescue (CSAR); precision-guided munitions

¹³⁸ "Achieving the Helsinki Headline Goals. Summary of the EU-NGO CFSP Contact Group meeting." [http://www.isis-europe.org/isiseu/cfsp_reports/report20.html]. Accessed 20 November 2003.

¹³⁹ "Final Communiqué," Budapest Ministerial Meeting of the North Atlantic Council, 29 May 2001, par. 46. [<http://www.nato.int/docu/pr/2001/p01-077e.htm>]. Accessed on 20 November 2003.

¹⁴⁰ "Statement On Improving European Military Capabilities European Capability Action Plan," General Affairs Council with the participation of the Ministers for Defence of the European Union, Brussels, 19 November 2001, p. 1. [http://www.elisabeth-schroedter.de/downloads/military_capacity.pdf]. Accessed 23 November 2003.

(PGMs) and cruise missiles; suppression of enemy air defences (SEAD); battlefield reconnaissance and unmanned air vehicles (UAVs); theatre-level surveillance and air reconnaissance; deployable communications; deployable ballistic missile defence; and strategic air lift.¹⁴¹

When the EU convened another Capability Commitment Conference on 19 May 2003, the member states approved a new version of the Helsinki Headline Goal Catalogue, which defined the requirements for the fulfillment of the Headline Goal. The achievements in the development of the new capabilities were included in the Helsinki Progress Catalogue 2003. At the end of the first phase of the Headline Goal development (the identification phase) the panels under the ECAP produced their final reports. This triggered the commencement of the more challenging second phase of the process (implementation).

Although NATO experts have been involved in the development of the EU's Headline Goal for many years, their cooperation has just recently been institutionalized in the EU-NATO Capability Group established in May 2003. The statement issued by the North Atlantic Council indicated that the Allies

welcome the agreement reached with the European Union on ways to ensure coherent, transparent and mutually reinforcing development of the capability requirements common to the two organisations. One immediate result is the establishment of the NATO-EU Capability Group. We remain determined that our various efforts to improve capabilities, including through the PCC and the efforts of the European Union to enhance capabilities through the European Capabilities Action Plan, will be based on this agreement and on reciprocity, while respecting the autonomy of both organisations and in a spirit of openness. The Capability Group must play a central role in bringing this about.¹⁴²

¹⁴¹ "The EU headline goal and the NATO Response Force (NRF) - reply to the annual report of the Council," The Interparliamentary European Security and Defence Assembly, Assembly of WEU, 3 June 2003, Appendix, par. 5. [http://www.assembly-weu.org/en/documents/sessions_ordinaires/rpt/2003/1825.html]. Accessed 21 November 2003.

¹⁴² "Statement on Capabilities Issued at the Meeting of the North Atlantic Council in Defence Ministers Session," NATO Press Release, Brussels, 12 June 2003, par. 5. [<http://www.nato.int/docu/pr/2003/p03-066e.htm>]. Accessed 23 November 2003.

NATO Secretary General Lord Robertson has frequently declared “that NATO-EU co-operation works in practice, but has not yet worked in theory.”¹⁴³ With the establishment of the NATO-EU Capability Group the practical arrangements for development of EU capabilities with the support of the Alliance were formally sanctioned.

D. MODALITIES IN ACTION – OPERATION CONCORDIA IN THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Following the successful accomplishment of the NATO-led Operation Essential Harvest (27 August – 26 September 2001), established to disarm the National Liberation Army (NLA), NATO changed its mission in Macedonia on 26 September 2001.¹⁴⁴ Operation Amber Fox was authorized by the North Atlantic Council upon the request of the President of the former Yugoslav Republic of Macedonia, Boris Trojakovski. Its specific mandate was to contribute to the protection of approximately 120 civilian international monitors from the EU Monitoring Mission (EUMM) and the Organization for Security and Cooperation in Europe (OSCE) who were overseeing the implementation of the Ohrid Framework Agreement in the FYROM.¹⁴⁵ This new operation involved approximately 700 soldiers from NATO member states reinforcing approximately 300 troops already based in the country, and it was conducted under German command. Despite its initial three-month mandate, the operation was extended until 15 December 2001, when it was terminated.

At that point, in response to the requests of President Trojakovski, NATO decided to extend its presence in the FYROM with another mission intended to decrease the risk of destabilization. The new mission, named Operation Allied Harmony, started on 16 December 2001 and involved the participation of approximately 470 NATO troops. On 31 March 2003 the NATO presence in the

¹⁴³ Lord Robertson at the Press Conference following adaptation of the NATO-EU Declaration on ESDP. [<http://www.nato.int/docu/update/2002/12-december/e1216a.htm>]. Accessed 23 November 2003.

¹⁴⁴ Operation Essential Harvest was requested by the President of the former Yugoslav Republic of Macedonia, Boris Trojakovski, and involved approximately 3,500 NATO troops from 17 countries led by the United Kingdom.

¹⁴⁵ Natalie Bormann, Sharon Riggall, “NATO Continues in Macedonia and Tests Its Resolve,” *NATO Notes* 3, no. 3, 26 October 2001: p. 3. [<http://www.cesd.org/natonotes/NATO%20Notes%20v3n7.PDF>]. Accessed 25 November 2003.

FYROM was replaced by the first ever EU-led military operation, which was named Operation Concordia. Initially expected to operate for six months, it was extended until 15 December 2003.

The EU expressed its willingness to take over the NATO military operation in FYROM as early as the Barcelona European Council Meeting in March 2002, under the condition “that the permanent arrangements on EU-NATO cooperation (“Berlin Plus”) would be in place.”¹⁴⁶ However, this objective could be realized only after the Copenhagen European Council meeting in December 2002. It was at that point that the negotiations between NATO and the EU were concluded allowing for EU access to NATO’s planning, logistics and intelligence for operations in which the Alliance as a whole was not involved (i.e., the conclusion of the “Berlin Plus” arrangements).

Operation Concordia involves the participation of approximately 360 troops from 13 EU states (i.e., Austria, Belgium, Finland, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom), 6 non-EU European NATO states (i.e., the Czech Republic, Hungary, Iceland, Norway, Poland, and Turkey)¹⁴⁷, and 7 non-EU and non-NATO European states (i.e., Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia).¹⁴⁸ However, approximately 90% of the total number of troops involved in the operation come from the 13 EU member states participating (the exceptions are Ireland and Denmark), and the rest come from the other 13 countries participating.

¹⁴⁶ “Presidency Conclusions,” Barcelona European Council, Barcelona, 15-16 March 2002, par. 61, in Jean-Yves Haine, ed., *From Laeken to Copenhagen: European defence: core documents*, Chaillot Paper 57 (Paris: Institute for Security Studies, European Union, February 2003), p. 48. [<http://www.iss-eu.org/chaillot/chaip57e.pdf>]. Accessed 25 November 2003.

¹⁴⁷ Initially the group of non-EU NATO states participating in the operation included Canada. However, its participation in the operation (i.e., position of the Executive Officer to the Force Commander) was later terminated.

¹⁴⁸ Based on the data presented on the website of the Delegation of the European Commission to the former Yugoslav Republic of Macedonia. [<http://www.delmkd.cec.eu.int/en/concordia/force.htm>]. Accessed 25 November 2003.

With the start of the mission the European Union Council established a chain of command for Operation Concordia. The position of the Operation Commander, in accordance with the “Berlin Plus” arrangements, was assigned to the Deputy SACEUR (i.e., Admiral Rainer Feist),¹⁴⁹ who is supported by the Supreme Headquarters Allied Powers Europe (SHAPE) acting as the EU Operational HQ (OHQ).¹⁵⁰ Accordingly, in the chain of command below him, there is the Director of Operations (DO) and below him the Director of the OHQ. The DO position is assigned to a German general and the Director of the OHQ position is assigned to a British colonel.

The DO is responsible for the day-to-day running of the operation, and acts on behalf of the Operation Commander in his absence. The DO works in the direct chain of command between the Operation Commander and the Director of the OHQ. The Director of the OHQ is the coordinator of the daily activities within the OHQ, and he is also responsible to the DO.

The core of the OHQ, the EU staff, is directed by a Swedish naval captain and includes:

- a French officer as personnel division chief, CJ1
- an Austrian officer as intelligence division chief, CJ2
- a Finnish officer as current operations division chief, CJ3
- a Greek officer as logistic division chief, CJ4
- a Swedish officer as future operations division chief, CJ5
- a French officer as communications division chief, CJ6
- a Spanish officer as future plans division chief, CJ7
- a Belgian officer as financial division chief, CJ8
- an Italian officer as civil-military cooperation division chief, CJ9.

¹⁴⁹ Antonio Missiroli, *Euros for ESDP: financing EU operations*, Occasional Paper no. 45, (Paris: Institute for Security Studies, European Union, June 2003): p. 14. [<http://www.iss-eu.org/occasion/occ45.pdf>]. Accessed 25 November 2003.

¹⁵⁰ “Motion for a Resolution,” European Parliament, 7 February 2003. [<http://www.europarl.eu.int/meetdocs/committees/afet/20030218/471802en.pdf>]. Accessed 25 November 2003.

The CJ1, CJ6, and CJ9 are NATO/EU positions, since the officers who are dealing with those matters also hold NATO positions (“double hatting”). Furthermore, the “core-group,” meaning the EU OHQ, responsible for the operation can rely on specific expertise provided by NATO specialists if needed.¹⁵¹

Initially, Operation Concordia was conducted under French command, with France acting as a “framework nation.” However, on 30 September 2003 the responsibilities of the “framework nation” and at the same time the command over the mission were transferred from France to the EU Force (EUFOR). Accordingly, the position of the Force Commander initially assigned to a French general (i.e., Brigadier General Pierre Maral) was transferred to a Portuguese general, the commander of the EUFOR (i.e., Major General Luis Nelson Ferreira dos Santos).

The terms of the 27 January 2003 EU Council Joint Action on the European Union military operation in the FYROM provide more insight on the EU’s intentions concerning Operation Concordia. Although the EU authorized the “Contacts and meetings between EU and NATO ... during the preparation and conduct of the operation, in the interests of transparency, consultation and cooperation between the two organizations,”¹⁵² it also indicated its desire to maintain a minimum degree of autonomy. Thus,

The entire chain of command will remain under the political control and strategic direction of the EU throughout the operation, after consultation between the two organisations. In that framework the Operation Commander will report on the conduct of the operation to EU bodies only. NATO will be informed of developments in the situation by the appropriate bodies, in particular the PSC and the Chairman of the Military Committee.¹⁵³

¹⁵¹ The EU Operation Headquarters (OHQ) at Mons – Belgium, Supreme Headquarters Allied Powers Europe. [http://www.nato.int/shape/news/2003/shape_eu/se030818b.htm]. Accessed 25 November 2003.

¹⁵² “Council Joint Action on the European Union Military Operation in the former Yugoslav Republic of Macedonia,” The Council of the European Union, 27 January 2003, Art. 10, par. 1. [http://ue.eu.int/arym/pdf/OJL34_110203_en.pdf]. Accessed 25 November 2003.

¹⁵³ Ibid., Art. 10, par. 2.

According to the first Force Commander, the command arrangements in the former Yugoslav Republic of Macedonia operated as follows:

We take our orders from Brussels and the EU Ambassadors Committee, the Military Committee and the Military Staff. The EU transmits the orders and they come to me through the Deputy SACEUR who is, as we say, double-hatted: he is the D-SACEUR of NATO and the Operation Commander of the EU mission. He acts only under the command of the EU organisation in Brussels and then gives me my orders with EU and NATO elements in coordination with NATO in Naples, Italy. Naples is responsible for the full operation in the region. So, it is an EU chain of command which relies on NATO structures and on NATO communication.¹⁵⁴

The arrangements allowing for the participation of non-EU states in the EU-led operations as spelled out in the Council Joint Action document comply with the decisions made at the Helsinki Council in 1999 and later at the Feira Council in 2000. According to the document,

- the non-EU European NATO members shall participate in the operation if they so wish,
- countries which have been invited by the Copenhagen European Council to become Member States are invited to participate in the operation, in accordance with the agreed modalities, [and]
- potential partners may also be invited to participate in the operation.¹⁵⁵

In addition, the non-EU countries making significant contributions to the operation have been accorded their right to day-to-day management of the operation on an equal footing with the participating EU members. This is to be accomplished in the framework of the Committee of Contributors.¹⁵⁶ Following the Council Joint Action, the Council of the European Union established on 18 February 2003 the Committee of Contributors consisting of representatives of all

¹⁵⁴ Brigadier General Pierre Maral Pierre, Concordia Force Commander, quoted in Hajnalka Vincze, "Beyond symbolism: the EU's first military operation seen in its context." [\[http://www.weltpolitik.net/texte/policy/concordia/beyond_symbolism.pdf\]](http://www.weltpolitik.net/texte/policy/concordia/beyond_symbolism.pdf). Accessed 25 November 2003.

¹⁵⁵ Council Joint Action on the European Union Military Operation in the former Yugoslav Republic of Macedonia, The Council of the European Union, 27 January 2003, Art. 8, par. 1. [\[http://ue.eu.int/arym/pdf/OJL34_110203_en.pdf\]](http://ue.eu.int/arym/pdf/OJL34_110203_en.pdf). Accessed 25 November 2003.

¹⁵⁶ Ibid., Art. 8, par. 4.

EU Member States along with the representatives of the non-EU countries contributing to the operation.¹⁵⁷

Operation Concordia, as the first EU-led military operation, serves three primary purposes. First, it provides proof of the readiness of the operational dimension of the ESDP, declared at the 2001 Laeken European Council. Second, it provides a platform for testing and evaluation of the existing arrangements within the EU and in its relations with NATO. Third, it creates a precedent and a “case study” with respect to possible larger and more challenging operations in the near future.¹⁵⁸

The first EU-led mission constitutes a test case for operations conducted under the terms of the “Berlin Plus” arrangements. However, the political transparency of its objectives, the relatively small size of the operation, its low intensity and its short duration do not provide “favorable conditions” for extensive testing of all EU-NATO arrangements. In fact, when Operation Concordia was launched, the EU military and civilian presence in FYROM was already significant. The EU member states contributed approximately 700 of the total of 1,000 troops participating in Operation Amber Fox.¹⁵⁹ This is one of the reasons why the EU is not in a position to test extensively all aspects of the modalities of cooperation between the two organizations. Moreover, the EU is not in a position to test many of its internal arrangements during the operation (e.g., its readiness to resort to stand-by financial and operational resources, its long-term sustainability, and cooperation between civilian and military elements).¹⁶⁰ This is

157 “Political and Security Committee decision setting up the Committee of Contributors for the EU-led operation in FYROM,” Council of the European Union, Brussels, 18 February 2003, Art. 3, par. 1. [<http://ue.eu.int/arym/pdf/st06451en03.pdf>]. Accessed 25 November 2003.

158 Antonio Missiroli, Euros for ESDP: financing EU operations, Occasional Paper no. 45, (Paris: Institute for Security Studies, European Union, June 2003): p. 16. [<http://www.iss-eu.org/occasion/occ45.pdf>]. Accessed 25 November 2003.

159 Annalisa Monaco, “NATO and the EU: Row over Macedonia?,” *NATO Notes* 4, no. 3, 27 March 200: p. 1. [<http://www.cesd.org/natonotes/notes43.pdf>]. Accessed 28 November 2003.

160 Antonio Missiroli, Euros for ESDP: financing EU operations, Occasional Paper no. 45, (Paris: Institute for Security Studies, European Union, June 2003): p. 16. [<http://www.iss-eu.org/occasion/occ45.pdf>]. Accessed 25 November 2003.

due to the nature of the operation and the circumstances under which it commenced.

The decision to take over the NATO tasks in FYROM was made over a long period of time. Protracted negotiations concerning the implementation of the “Berlin Plus” arrangements significantly extended this period. Furthermore, the troops are committed for a period strictly determined by the specified mandate (i.e., initially for six months, a period extended until 15 December 2003). Finally, the purely military nature of the operation does not require the development of additional modalities regulating cooperation with the civilian elements engaged in crisis management. Such modalities are likely to be necessary in more complex operations.

Nevertheless, the operation has a significant meaning. As the first military operation conducted under the terms of the “Berlin Plus” arrangements, it serves as a benchmark of the evolving “strategic partnership” with NATO. It provides a platform for cooperation not only of the EU member states but also of others interested in contributing to the operation. Furthermore, the “double-hatting” arrangements first established between the WEU and NATO (i.e., “Berlin”) and later between the EU and NATO (i.e., “Berlin Plus”) serve as good illustrations of the agreed modalities.

Finally, the success of Operation Concordia lends credibility to the objective articulated at the 2002 Copenhagen European Council – “to lead a military operation in Bosnia following SFOR.”¹⁶¹ However, Operation Artemis in the Democratic Republic of Congo indicates that the EU, although committed to cooperation with NATO, has substantially approached the goal envisioned at St.

¹⁶¹ “Presidency Conclusions,” Copenhagen European Council, 12-13 December 2002, Chapter III, par. 29, in Jean-Yves Haine, ed., *From Laeken to Copenhagen: European defence: core documents*, Chaillot Paper 57 (Paris: Institute for Security Studies, European Union, February 2003), p. 170. [<http://www.iss-eu.org/chaillot/chaill57e.pdf>]. Accessed 25 November 2003.

Malo – “the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so.”¹⁶²

¹⁶² “Franco-British Summit: Joint Declaration on European Defense,” St. Malo, France, 4 December 1998, par. 2, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 8. [<http://www.iss-eu.org/chaillot/chai47e.pdf>]. Accessed 25 November 2003.

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V. CONCLUSION

Although the idea of the development of a European identity in crisis management and conflict prevention was initiated at the beginning of the 1990s, the amount of work done since 1998 significantly outweighs that of the past.

NATO's Operation Allied Force in 1999 unveiled the unpleasant truth about the status of European military capabilities. The rhetoric of the past had little support in actual capabilities. European members of the Alliance, in contrast with their American Ally, were incapable of autonomously conducting a "high-tech, low casualty" campaign.¹⁶³ This resulted in an unexpected shift from the United States/NATO-supported ESDI to the concept of the ESDP, the latter intended to be less dependent on NATO and pursued in cooperation with NATO. In contrast, the ESDI was to be within NATO. The conclusions drawn from Operation Allied Force were followed by the EU's Headline Goal, indicating prospective changes in the EU's role.

The recent developments in ESDP show that the participating European Union members are slowly but successfully pursuing the efforts initiated in Cologne in June 1999. The European Union has managed to organize internal structures in the form of committees and staffs (e.g., the PSC, the EUMS, the EUMC, and the SG/HR), and it has also established a variety of mechanisms for consultation and cooperation facilitating the development of the ESDP not as an independent entity, but rather in cooperation with NATO.

As indicated in the analysis of respective "milestones" the EU continues with its mission of developing "the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so."¹⁶⁴ The difference is that this cannot be easily accomplished without

¹⁶³ "Operation Allied Force: Lessons for Future Coalition Operations," RAND Research Brief. [<http://www.rand.org/publications/RB/RB72/>]. Accessed 25 November 2003.

¹⁶⁴ "Franco-British Summit: Joint Declaration on European Defense," St. Malo, France, 4 December 1998, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 8. [<http://www.iss-eu.org/chaillot/chaill47e.pdf>]. Accessed 25 November 2003..

recourse to NATO assets and military expertise. As NATO Secretary General Lord Robertson has noted,

Each NATO and EU country has only one set of forces, and only one defence budget. It is absolutely vital, therefore, that these forces are structured, equipped and trained to be able to handle all the tasks we give them: NATO and EU missions, not either/or. Coherent defence planning is the key -- and it will be vital to ensuring that European capabilities actually add to existing NATO capabilities, to everybody's benefit.¹⁶⁵

The "three Ds" articulated in December 1998 by the US Secretary of State at that time, Madeleine Albright, look today like a prophecy of the development of the relations between the EU and NATO. Secretary Albright set forth the following priorities:

First, ... to avoid decoupling: Nato is the expression of the indispensable transatlantic link. It should remain an organisation of sovereign allies, where European decision-making is not unhooked from broader alliance decision-making.

Second, ... to avoid duplication: defence resources are too scarce for allies to conduct force planning, operate command structures, and make procurement decisions twice - once at Nato and once more at the EU.

And third, ... to avoid any discrimination against Nato members who are not EU members.¹⁶⁶

The complexity of the arrangements involving members in both organizations (i.e., overlapping membership) may somehow protect the organizations from further decoupling. The limitation of the budgetary effort in new military capabilities constrains significantly prospects of unnecessary duplication. Moreover, the EU's dependence on NATO under the "Berlin Plus" arrangements imposes a requirement of fair treatment of non-EU European

¹⁶⁵ "European Security in the 21st Century," Speech by George Robertson given at the Editors' Forum of the Federal Security Academy, Berlin, 25 January 2001. [<http://usinfo.state.gov/topical/pol/arms/stories/01012602.htm>]. Accessed 21 November 2003.

¹⁶⁶ Madeleine K. Albright, "The Right Balance Will Secure NATO's Future," *Financial Times*, 7 December 1998, in Maartje Rutten, ed., *From St. Malo to Nice: European defence: core documents*, Chaillot Paper 47 (Paris: Institute for Security Studies, Western European Union, May 2001), p. 11. [<http://www.iss-eu.org/chaillot/chai47e.pdf>]. Accessed 25 November 2003.

Allies, and as such prevents excessive discrimination. In this sense Operation Concordia seems to illustrate well the interdependence between the two organizations.

The ESDP seems to be a responsive arrangement intended to keep up with the developments in the global security environment. The events of 11 September 2001 shaped the development of the ESDP to such an extent that the EU is considering a modification of the Petersberg Tasks, so that they take into account a broad spectrum of current security challenges and not solely those that were prominent at the time when ESDP was first conceived.¹⁶⁷

It has been realized that the attitude as well as the role played by the Alliance in the development of the ESDP may ultimately determine and shape the future of the relationships between the two organizations. In its current form the underlying principles of the ESDP are not driven exclusively by the need for independent defense capabilities, which seem to be remote at the present time, but rather by the need to be able to act when and if the United States and NATO decide to step aside.¹⁶⁸ However, Operation Artemis along with the declaration of 29 April 2003¹⁶⁹ might be indicative of new ideas contemplated by some European Union members under the banner of ESDP. In this sense a fully autonomous EU approach to dealing with the most demanding tasks in the upper tier of the Petersberg Tasks and eventually collective defense might undermine the transatlantic link.

¹⁶⁷ According to the recommendation presented in the "Final Report of Working Group VIII – Defence" the updated Petersberg tasks should also include: conflict prevention (early warning, confidence and security building measures); joint disarmament operations (weapons destruction and arms control programs); military advice and assistance ("*defense outreach*": cooperation with the military forces of a third country or of a regional/subregional organization on developing democratically accountable armed forces, by the exchange of good practices, e.g. through training measures); post-conflict stabilization; support for a third country's authorities, at their request, in combating terrorism.
[\[http://register.consilium.eu.int/pdf/en/02/cv00/00461en2.pdf\]](http://register.consilium.eu.int/pdf/en/02/cv00/00461en2.pdf). Accessed 16 December 2002.

¹⁶⁸ Ivo H. Daalder: "A U.S. View of European Security and Defense Policy," lecture given at USAREUR Senior leadership forum, Grafenwohr, Germany, March 7-9, 2001.
[\[http://www.brookingsinstitution.org/dybdocroot/views/articles/daalder/2001lecadpt.htm\]](http://www.brookingsinstitution.org/dybdocroot/views/articles/daalder/2001lecadpt.htm). Accessed 25 November 2003.

¹⁶⁹ On 29 April 2003 Belgium, France, Germany and Luxembourg announced their plan to set up a new EU military headquarters independent of NATO in Tervuren, Belgium.¹⁶⁹

Ironically, NATO's past success might contribute to its future failure if the EU issues are not properly addressed. European Allies conscious of their security resulting from the past achievements of NATO still exhibit a reluctance to increase defense spending and share responsibilities in a more balanced way. In order to be successful the ESDP has to comply with commitments beneficial to the transatlantic link. The "NATO first" approach in dealing with international matters has to be respected in order to preserve America's willingness to act within this framework. Although a division of labor may be tolerated and even cultivated to accomplish some tasks, sincere efforts must be made to promote equality in risk sharing. Accordingly, cooperative planning has to be assured in order to avoid unnecessary inconsistencies, incompatibilities and inefficiencies in future operations resulting from the presence of parallel and competing structures. The declining level of defense spending in Europe calls for more efficient procurement and proper allocation so that further redundancy and duplication are avoided, and at the same time at least a minimal level of interoperability among Allies is maintained.

The issues of contention among the European and North American Allies call for constructive political and strategic dialogue. It is in America's interest to actively engage, via NATO, in European integration, because the process is likely to advance with or without its consent. The United States, as a NATO member, should view European Union ambitions expressed in the form of the ESDP not as a "balancing" approach but rather as an attempt to establish the EU as a "credible and useful ally." It should be viewed more as a complementary than as a competitive structure.¹⁷⁰

Although the finalization of the "Berlin Plus" arrangements augurs well for future developments in cooperation between NATO and the EU,

The EU seems nervous about being overshadowed by what NATO is, whereas NATO seems nervous about competition from what the EU might become. This kind of thinking has produced a

¹⁷⁰ Terry Terriff, "European Security and Defence Policy After Nice," The Royal Institute of International Affairs, Briefing Paper, New Series no. 20, April 2001. [<http://www.ciaonet.org/pbei/riia/tet01.pdf>]. Accessed 16 December 2002.

relationship but not the marriage envisaged at the Nice European summit.¹⁷¹

This depiction of the relations between the two organizations presented by the NATO Secretary General seems to express well the problems the organizations are grappling with. However, as he also pointed out, “in the volatile 21st century security environment neither NATO nor the EU will run out of work.”¹⁷² This in fact should be a driving force for the development of the two organizations and their search for common ground. As Lieutenant General Rainer Schuwirth, German Army, the first Director General of the EU Military Staff, indicated

It should be in everyone's interest for the EU and NATO to continue to remain efficient and mutually reinforcing organisations in order to have all options available in meeting the security challenges of the future.¹⁷³

¹⁷¹ “The Role of NATO in the 21st Century,” Speech by NATO Secretary General, Lord Robertson at the Welt am Sonntag Forum, Berlin, 3 November 2003. [<http://www.nato.int/docu/speech/2003/s031103a.htm>]. Accessed 24 November 2003.

¹⁷² Ibid.

¹⁷³ Lt General Rainer Schuwirth (ret.), “EU Military Staff and NATO: Light in a Tunnel,” interview by Dieter Farwick, 21 November 2003. [http://www.globalsecuritynews.com/showArticle.cfm?article_id=8768]. Accessed 24 November 2003.

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